

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8533 of 2015 and
M.P.No.1 of 2015

K.Sureshkumar

... Petitioner

vs.

1. The District Collector,
Tiruppur, Tiruppur District

2. The Revenue Divisional Officer,
Udumalpet, Thiruppur District

3. The Tahsildar,
Madathukulam Taluk,
Tiruppur, Tiruppur District

4. The Village administrative Officer,
Shankarmanallur,
Madathukulam Taluk,
Tiruppur District

5.V.Selvaraj

6.K.Duraisamy

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Mandamus directing the 3rd respondent authorities to forbear the 5th and 6th respondents from drawing transporting selling water from the wells comprised in S.No.47/3,156 situated at North shankarmanallur Village, Udumalpet Taluk, Tiruppur District by considering petitioner representation dated 03.03.2015.

For Petitioner : Mr.Myilsamy

For Respondents: Mr.RAS. Senthilvel for R1 to R4
Additional Government Pleader

O R D E R

Heard Mr.Myilsamy, learned counsel appearing for the petitioner and Mr.RAS.Senthilvel, learned Additional Government Pleader appearing for 1st to 4th respondents and perused the materials placed on record. With the consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2.The petitioner has filed this Writ Petition alleging that the respondents 5 and 6 are drawing water and selling the same for commercial purpose and on account of the continuous drawal of the water, their house situated in Survey No.47/3 of the said village, the under ground level of the water has grossly depleted. It is further stated that the drawal of the water is done through out the day and water has been transported through tanker lorries and it is purely for commercial purpose and not for domestic purpose. It is stated that the public demonstrated the continuous drawal of water from the village and the news is published in Tamil Dailies on 19.03.2015. In spite of the same, no action has been initiated by the authorities and the representation in this regard are pending. Therefore, the petitioner seeks for a direction to consider his representation dated 03.03.2015.

3.The learned Additional Government Pleader appearing for the 1st to 4th respondents submitted that this Court has issued Interim Direction in several Writ Petitions filed by the land owners permitting them to draw water for domestic purpose and the allegation by the petitioner is the private respondents are drawing water for commercial purpose. Therefore, unless inspection is conducted, it cannot be ascertained as to whether the drawal of water is for commercial purpose or for domestic purpose. In this regard, if prior notice is issued, then, the purpose of inspection will be defeated.

4.In the light of the above, there shall be a direction to the 2nd and 3rd respondents to consider the petitioner's representation and conduct a surprise inspection, so as to ascertain the full facts and thereafter, pass orders on merits and in accordance with law.

5. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

WEB COPY

ssd

To

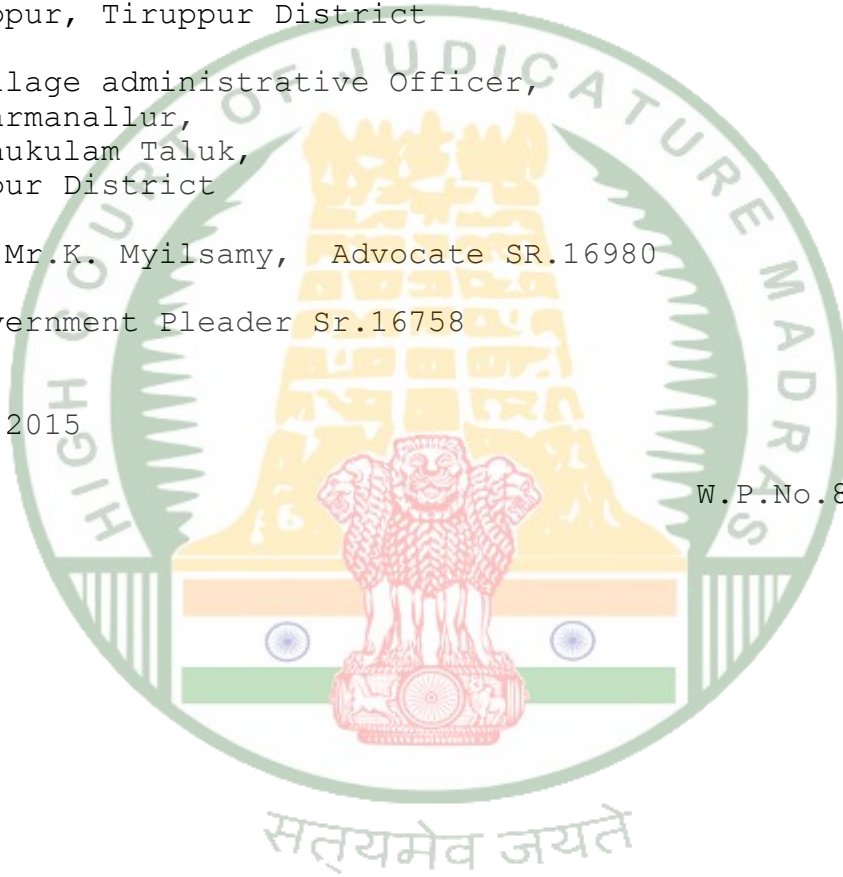
1. The District Collector,
Tiruppur, Tiruppur District
2. The Revenue Divisional Officer,
Udumalpet, Thiruppur District
3. The Tahsildar,
Madathukulam Taluk,
Tiruppur, Tiruppur District
4. The Village administrative Officer,
Shankarmanallur,
Madathukulam Taluk,
Tiruppur District

+ 1 cc to Mr.K. Myilsamy, Advocate SR.16980

+ 1 cc Government Pleader Sr.16758

SKV(CO)
EU 11.04.2015

W.P.No.8533 of 2015 and
M.P.No.1 of 2015



WEB COPY