

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8801/2015 & MP.No.1/2015

M.Madhavi

.. Petitioner

Versus

The Chief Engineer,
WRO in PWD,
State Ground and Surface Water,
Resource Data Centre,
Tharamani, Chennai - 600 113.

Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondent to consider the representation of the petitioner dated 17.06.2014 and to grant the necessary permission for transporting the water from the petitioner patta land to her other agricultural land and college within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Raghupathi

For Respondent : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.V.Raghupathi, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner has filed this writ petition for a direction upon the respondent to consider the representation of the petitioner dated 17.06.2014 and to grant the necessary permission for transporting the water from the petitioner patta land to her other agricultural land and college.

3.According to the petitioner, the surplus water from the lands are required to be used for her personal consumption as well as the consumption of the students of the college run by the petitioner's husband. In this regard, the petitioner has submitted an application/representation on 17.06.2014, followed by a reminder dated 25.11.2014.

4.Earlier, the petitioner approached this court and filed W.P.No.10800 of 2014 for somewhat an identical relief. The learned

counsel for the petitioner submitted that in the said writ petition, they have not impleaded the proper respondents and therefore, the petitioner would seek permission to withdraw the earlier writ petition and pursue the present writ petition which has been filed for an identical prayer impleading the correct respondent.

5. In the light of the said submission, liberty is granted to the petitioner to move for withdrawal of the earlier writ petition.

6. In this writ petition, the petitioner seeks to draw water from patta land for her personal use and consumption as well as for the college run by the petitioner's husband. As long as the request made by the petitioner is not for a commercial purpose, then it is open to the respondent to consider the same in accordance with the rules or the guidelines framed in this regard.

7. Accordingly, without going into the merits of the petitioner's claim, there will be a direction to the respondent to consider the petitioner's application/ representation on merits and in accordance with law, after inviting a report from the concerned authority of the Water Resources Organisation of the Public Works Department in Sangagiri Taluk, Salem District and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP/gya

To
The Chief Engineer,
WRO in PWD,
State Ground and Surface Water,
Resource Data Centre,
Tharamani, Chennai - 600 113.

1 cc to Mr..Raghupathi ,Advocate, SR.No.17780
1 cc to Government Pleader, Sr.No17933

WP.No.8801/2015

sk(co)
pmk.11.4.2015