



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.9526 of 2011

M.Rajendran

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep thro' its Chief Secretary,
Secretariat, Chennai.
2. The District Collector,
Tuticorin District, Tuticorin.
3. The Assistant Director,
Department of Mines and Geology,
Tuticorin District,
Tuticorin.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tuticorin District,
Tuticorin.
5. M/s.SRC (P) Ltd.,
rep by its Proprietor,
4-B, Lakshmipuram, Gandhipuram
Salem 636 007.
6. M/s.Aqua Silva Company,
by its Proprietor R.Thrista
N.Muthaiyapuram,
Mela Thiruchendur Village,
Thiruchendur Taluk,
Tuticorin District.
7. M/s.Anu Sales Company
by its Proprietor J.P.Rayan,
N.Muthaiyapuram,
Keezha Thiruchendur Village,
Thiruchendur Taluk,
Tuticorin District.



8. M/s.Chendur Mineral Water Company
by its Proprietor M.M.Mubarak,
Vaikkapalam,
Keezha Thiruchendur Village,
Thiruchendur Taluk,
Tuticorin District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to rehabilitate the Ellappan Nayakan Kulam in Survey Number 169/1 170 and 171 situated at Mela Tiruchendur Village and Keezha Tiruchendur Village, Tiruchendur Taluk, Tuticorin District by removing the obstructions and ensure the safety of the bank and storage and free flow of water for irrigation and enforce the "Polluter Pay Principle" as emphasized by the Supreme Court of India against the Polluters, respondents 5 to 8 by considering the petitioner's representation dated 01.03.2011 within a period stipulated by this Court.

For Petitioner	: No appearance
For Respondents 1-3	: Mr.A.K.Baskarapandian, Special Government Pleader.
For 4 th Respondent	: Mr.C.Elaman
For 5 th Respondent	: Mr.R.Anand
For 7 th Respondent	: No appearance

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

None appears for the petition.

2.This writ petition has been filed to direct the respondents 1 to 4 to rehabilitate the water body by removing the obstructions and ensure the safety of the bank, storage and free flow of water for irrigation and enforce the "Polluter Pay Principle" as emphasized by the Supreme Court of India against the Polluters, the respondents 5 to 8 by considering the petitioner's representation dated 01.03.2011.

3.The second respondent, District Collector, Thoothukudi District has filed a counter, wherein at paragraph - 10, it is stated as follows:

10. ... Instead, the Kanmai has restored its original capacity. The mineral water companies are also using the residue water for coconut cultivation around their factory sites. The total drawal of ground water from their bore wells located in their patta lands, quite away from the kanmai, is not 3,00,000/- as alleged by the writ petitioner but it is 16,700 litres per day.



The writ petitioner has magnified everything for the purpose of misleading this Court. There is no beach of environmental law in this case and as such the 'polluter pay principal' is out of context. All precautionary measures have been taken to save the natural resource and the writ petitioner has not produced any documentary evidences to show anybody affected by the activities of respondents 5 to 7.

4. Recording the same, this writ petition is closed. No costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai.
2. The District Collector,
Tuticorin District, Tuticorin.
3. The Assistant Director,
Department of Mines and Geology,
Tuticorin District,
Tuticorin.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tuticorin District,
Tuticorin.

+ 1 CC TO MR.A.HAJA MOHIDEEN, ADVOCATE IN SR NO. 55400
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 55200

MJ
TE/SKS-RR/ 07/10/2015 3P/7C

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