

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.A.No.1705 of 2015
and
M.P.No.1 of 2015

1.K.Govindasamy
2.P.Sivaprakasam
3.V.Padmavathy
4.K.Varadarajan
5.A.Chinnaponnu
6.C.Rangan
7.S.R.Balaraman

... Appellants/Respondents
7 to 13

Vs.

1.Sonalur Panchayat
rep. by its President,
Sonalur, Thiruporur Panchayat Union...Respondent
NO.1/Petitioner

2.The District Collector,
Kanchipuram.

3.The Revenue Divisional Officer,
Chengalpattu,
Kanchipuram District.

4.The Tahsildar,
Thiruporur, Kanchipuram District.

5.The Block Development Officer,
Thiruporur Panchayat Union,
Thiruporur, Kanchipuram District.

6.The Village Administrative Officer,
Sonalur Village,
Thiruporur Taluk,
Kanchipuram District.

7.The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam, Kanchipuram District... Respondents 2 to 7/
Respondents 1 to 6

Appeal filed under Clause 15 of Letters Patent against the order dated 06.01.2015 made in W.P.No.28911 of 2014.

WP.No.28911 of 2014:Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents herein to consider the representation dated 10.05.2014 and resolutions of the Petitioner Panchayat dated 12.10.2014 for preventing tapping and extracting of water from Sonalur Village and taking away the same out of the village by tanker lorries and tractors to enable the Petitioner Panchayat to perform its statutory duty of supply of water for drinking washing and bathing purposes to Sonalur village in the light of the observation dt.24.09.2014 of the 4th respondent herein as per section 110(g) of Tamil Nadu Panchayats Act 1994.

For Appellants .. Mr.D.Jayasekar
for Mr.V.Manohar

For Respondents.. Mr.K.Doraisamy, Sr. Counsel
for M/s.Muthumani Doraisamy for R1
Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R2 to R7

JUDGMENT

(delivered by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ appeal is taken up for final disposal.

2.The instant appeal arises from the order dated 06 January 2015 in the writ petition being W.P.No.28911 of 2014 filed by the Sonalur Panchayat/the first respondent herein.

3.The first respondent herein filed the aforesaid writ petition seeking a direction to the official respondents to consider the representation dated 10 May 2014 and the resolution of the panchayat dated 12 October 2014, to prevent tapping and extracting of water from Sonalur Village without proper permission and sanction granted by the authorities as required under Section 110(g) of the Tamil Nadu Panchayats Act, 1994. The learned single Judge disposed of the writ petition as under:

"9. Accordingly, the writ petition is disposed of by directing the respondents 1 to 5 to forthwith close all the deep borewells, installed by the respondents 7 to 13 or any other persons who have installed such deep borewells and drawing of water for commercial purpose without obtaining any prior permission from the competent authority. Such action shall be taken within a period of fifteen days from the date of receipt of a copy of this order."

4. The private parties have come up with the instant appeal stating that the present appellants are supplying water to the Chennai Metropolitan Water Supply and Sewerage Board for more than ten years without proper agreement and also supplying water to nearby hospitals like Chettinadu Hospital and Kamakshi Hospital, with proper permission.

5. In response, learned Special Government Pleader appearing for respondents 2 to 7 would submit that tapping and extracting water without proper permission is an offence and punishable under the provisions of the Act. It is submitted that all the connections for tapping water for commercial purposes have been closed as it is found that no permission has been obtained. The authorities, particularly the fourth respondent, are conscious of their obligations and will take necessary steps to prevent extraction of water unlawfully without proper permission and sanction. It is further submitted that if, in future, any illegal extraction of water is found, either on representation made by the panchayat or by any private party, immediate action will be taken to ensure that no tapping or extraction of water is done without proper permission or sanction.

6. Learned senior counsel appearing for the panchayat/writ petitioner submits that the panchayat will monitor and on any illegal extraction, the same will be reported forthwith to the fourth and fifth respondents for proper action.

7. In view of the foregoing, wherein it is noticed that the officers are conscious of their obligations and duties, we are not inclined to interfere with the order rendered by the learned single Judge. However, we direct all the authorities to ensure that the water is becoming a rare commodity and it must be regulated properly. If the appellants have any grievance, they are permitted to make representation to respondents 4 and 5 for proper permission and sanction.

8.With the aforesated observation and direction, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi
To

- 1.The President,
Sonalur Panchayat,
Sonalur, Thiruporur Panchayat Union.
- 2.The District Collector,
Kanchipuram.
- 3.The Revenue Divisional Officer,
Chengalpattu,
Kanchipuram District.
- 4.The Tahsildar,
Thiruporur, Kanchipuram District.
- 5.The Block Development Officer,
Thiruporur Panchayat Union,
Thiruporur, Kanchipuram District.
- 6.The Village Administrative Officer,
Sonalur Village,
Thiruporur Taluk,
Kanchipuram District.

- 7.The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam, Kanchipuram District.

+1 cc to Mr.Muthumani Dorai Sami Advocate sr.16413
+1 cc to V.Manohar Advocate sr.16553
+1 cc to Government Pleader sr.16688

W.A.No.1705 of 2015

aa28/03/2016