

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.17522 of 2016

S.Thangavel

.. Petitioner

Versus

1.The District Collector,
Tiruppur.

2.The Thasildar,
Madathukulam,
Tiruppur District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents herein to permit the petitioner to sell water stagnating at S.F.No.396/4, at Myvadi Village, Udumalpet Taluk (Now Madathukulam Taluk), Coimbatore District (now Thiruppur District) to an extent of 0.64.0 Hectares for agricultural and other conditions by considering the representations of the petitioner herein dated 21.04.2015 and 25.05.2015.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.M.L.Mahendran
Government Advocate

O R D E R

Heard Mr.R.Nalliyappan, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the innocuous relief, by which the petitioner seeks for a direction to permit him to sell water stagnating at S.F.No.396/4, at Myvadi Village, Udumalpet Taluk (Now Madathukulam Taluk), Coimbatore District (now Thiruppur District) to an extent of 0.64.0 Hectares for agricultural and other conditions by considering his representations dated 21.04.2015 and 25.05.2015.

3.It is not in dispute that the petitioner was granted permission to quarry rough stones in the said land and the period for which the permission was granted expired on 12.12.2010. Now, the petitioner would state that he wants to sell water stagnating in the quarried pit, for commercial purpose. In this regard, the petitioner has also submitted a representation to the respondent.

4.It is not known as to how long the petitioner will draw stagnated water and how to monitor the activity that the petitioner will draw only the stagnated water and not draw the ground water. Those issues have to be considered only by the concerned authority.

5.The learned Government Advocate submitted that for drawal of water, Public Works Department is the competent authority and unless permission is granted, drawal of water for commercial purpose is not permissible.

6.In any event, the petitioner is entitled to know as to which authority he has to approach and what are the terms and conditions to be complied with. Therefore, there will be a direction to the first respondent to consider the petitioner's representation dated 25.05.2016 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is dismissed.
r p a

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Tiruppur.

2.The Thasildar,
Madathukulam,
Tiruppur District.

+1 cc to Govt.Pleader SR 29202

+ 1 cc to M/s.R.Nalliyappan Advocate SR 29111

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