

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.43054 of 2016
and
W.M.P.No.36921 of 2016

S.Valarmathi ... Petitioner

Vs.

1.The Executive Officer,
Perundurai Town Panchayat,
Perundurai,
Erode District.

2.Bureau of Indian Standards,
Coimbatore Branch,
Rep. By its Scientist F & Head (CTBO),
V Floor, Kovai Towers,
No.44, Dr.Balasundaram Road,
Coimbatore.

... Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying to issue writ of Certiorarified Mandamus to call for the records of the 1st Respondent pertaining to Letter Na.Ka.No.737/2016, dated 23.11.2016 to quash the same and directing the 1st Respondent to issue No Objection Certificate for putting up water treatment plant.

For Petitioner

सत्यमेव जयते : Mr.S.Kaithamalaikumaran

For Respondents

: Mr.R.A.S.Senthil Vel,
Addl. Govt. Pleader for R1

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ORDER

Challenging the order of the first respondent dated 23.11.2016, the petitioner has come up with the present writ petition.

2.The petitioner made a request for No Objection Certificate for the purpose of establishing R.O. Water plant. By the impugned order, it was rejected on the ground that such permission, if given, would affect the livelihood of the people living in the locality, who would be deprived of water.

3. Though the counter affidavit has been filed in support of the impugned order, the learned counsel appearing for the petitioner would submit that the undertaking given by her before the TANGEDCO Authority would be complied with in letter in spirit. In fact, this undertaking as produced by the learned Additional Government Pleader appearing for the first respondent before this Court on the earlier occasion.

4.As per the said undertaking given, the petitioner has agreed not to use the water from the borewell to his business purpose i.e. for the R.O. Unit proposed to be constructed.

5. If that is the case, there cannot be any objection for the first respondent to give No Objection Certificate. Accordingly, the impugned order is set aside and writ petition stands allowed. Consequently, the first respondent is directed to issue No Objection Certificate to the petitioner within a period of four weeks from the date of receipt of a copy of this order. The undertaking given by the petitioner before the TANGEDCO Authority is hereby recorded.

6. It is made clear that if the petitioner acts contrary to the undertaking, it is well open to the respondent concerned to take appropriate action. Similarly, the objector can also bring it to the knowledge of the concerned respondent for appropriate action, in which case, action has to be taken by conducting an enquiry.

7.In the result, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

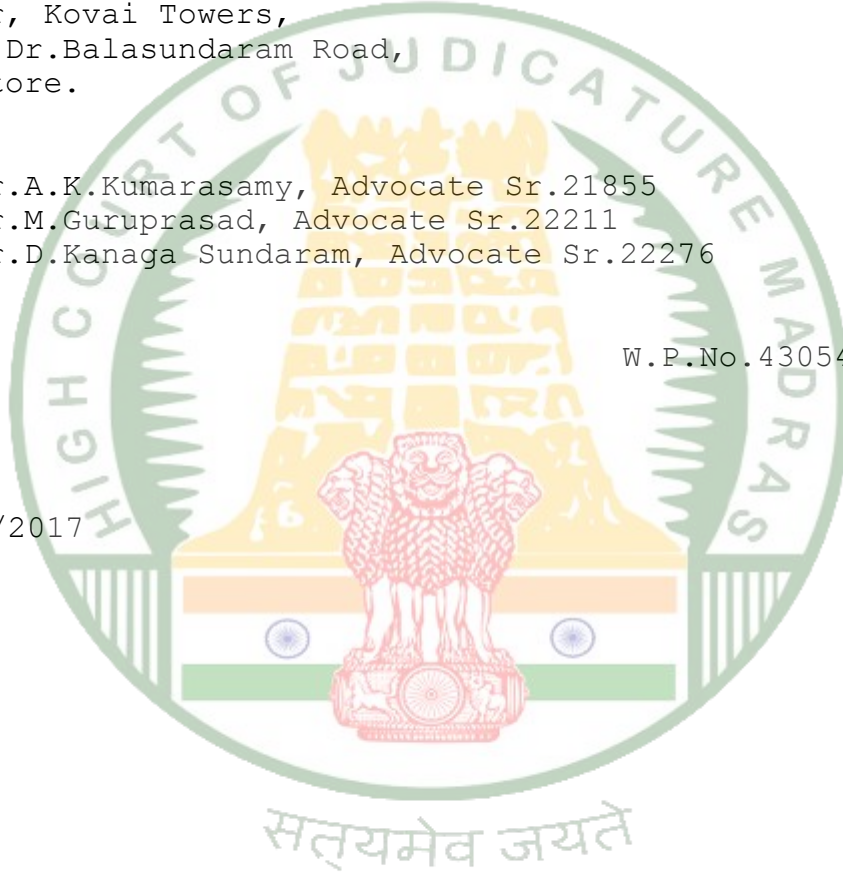
1.The Executive Officer,
Perundurai Town Panchayat,
Perundurai,
Erode District.

2.The Scientist F & Head (CTBO),
Bureau of Indian Standards,
Coimbatore Branch,
V Floor, Kovai Towers,
No.44, Dr.Balasundaram Road,
Coimbatore.

+1cc to Mr.A.K.Kumarasamy, Advocate Sr.21855
+1cc to Mr.M.Guruprasad, Advocate Sr.22211
+1cc to Mr.D.Kanaga Sundaram, Advocate Sr.22276

W.P.No.43054 of 2016

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srg 18/04/2017



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