



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.09.2017

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CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P (MD) No.11966 of 2017

M.Velsamy

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Sub Collector,
Sub Collector Office,
Beach Road,
Thoothukudi.

3. Arumugam

4. Thanamduraisingh

5. Gnanaprakash

6. Ponraj

7. Kanagasundar

8. Lenin

9. Baskar

10.Nancirani

11.Alangaram

12.Joseph Durai Anandh

13.Mariammal

(R3 to 13 are impleaded vide Court order
dated 17.07.2017 in WMP(MD) No.
10229 of 2017)

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to stop indiscriminate drawal, transportation of government ground water on commercial purpose from Servaikaranmadam Village, Thoothukudi Taluk, Thoothukudi District in the light of G.O.Ms.No.52, Public Works (R2) Department dated 02.03.2012 based on petitioner's representation dated 17.10.2016.



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For Petitioner

: Mr.D.Srinivasa Raghavan for
Mr.S.M.Mohan Gandhi

For Respondents

: Mr.M.Govindan, Spl.G.P.
For RR1 and 2
Mr.G.Prabhu Rajadurai for RR11&12
No Appearance for RR3 to 10 & 13

O R D E R

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

The writ petitioner seeks action to be taken for stoping indiscriminate drawal and transportation of ground water for commercial purposes from Servaikaranmadam village, Tuticorin Taluk. He gave representation dated 17.10.2016 in this regard.

2.The writ petitioner seeks action to be taken in the light of G.O.Ms.No.52, Public Works (R2) Department dated 02.03.2012.

3.Mr.G.Prabhu Rajadurai, learned counsel appearing for the respondents 11 and 12 opposes the said request. He has also filed a detailed typed set of papers enclosing G.O.Ms.No.142, Public Works (R2) Department dated 23.07.2014 and G.O.Ms.No.113, Public Works (R2) Department dated 09.06.2016. According to him, the issue cannot be decided only in the light of G.O.Ms.No.52 dated 02.03.2012.

4.Be that as it may, without expressing any opinion on the merits of the matter, we relegate the parties to go before the first respondent. The first respondent shall hear the contesting parties and pass appropriate orders in accordance with law in the light of the extant government orders. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Sub Collector,
Sub Collector Office,
Beach Road,
Thoothukudi.

+ 1 CC TO Mr.S.M.MOHAN GANDHI, ADVOCATE IN SR No. 78237
+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 78204
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78618

SKM/ARUL

TE/JC/SAR-II : 25/09/2017 : 3P/6C

W.P(MD)No.11966 of 2017
11.09.2017