

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 25.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.18903 of 2017

P.Santha

... Petitioner

Vs.

1. The Executive Engineer / Assistant Director,
Ground Water Division,
Water Resource Department,
Tharamani,
Chennai - 113.

2. The Tahsildar,
Taluk Office, Kovilpatti,
Kovilpatti,
Tuticorin District.

3. The Manthithoppu Village Panchayath,
Rep. by the Special Officer cum
Block Development Officer,
B.D.O. Office, Kovilpatti Taluk,
Tuticorin District.

4. The Revenue Inspector,
Revenue Inspector Office,
Manthithoppu Village,
Kovilpatti,
Tuticorin District.

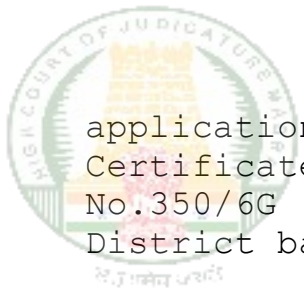
... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 4 to forward the petitioner's application to the 1st respondent for issuing No Objection Certificate for selling water from the petitioner's well situated in Survey No.350/6G at Manthithoppu Village, Kovilpatti, Thoothukudi District based on petitioner's application dated 20.08.2017.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate**ORDER**

<https://hcservices.courts.gov.in/hcservices/>
This writ petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents 2 to 4 to forward his



application to the 1st respondent for issuing No Objection Certificate for selling water from his well situated in Survey No.350/6G at Manthithoppu Village, Kovilpatti, Thoothukudi District based on his application dated 20.08.2017.

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2. According to the petitioner, there is a Well in his property and as such he used to sell the water from his Well for drinking purpose. It is the case of the petitioner that all of a sudden, the respondents 2 to 4 informed him not to sell the water to anybody and thereafter, the petitioner has sent several representations. Subsequent thereto, the petitioner was informed by the respondents 2 to 4 to get No Objection Certificate from the first respondent. It is the further case of the petitioner that while applying for No Objection Certificate before the first respondent, he has to enclose requisite certificates obtained from the other respondents. In this regard, he has submitted an application dated 20.08.2017, followed by a representation dated 21.08.2017 to the respondents 2 to 4. As the same is kept pending, without any action, the petitioner is before this Court.

3. Heard the learned Counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

4. Though the prayer in this writ petition is for a larger relief, the learned Counsel for the petitioner now confines his prayer to the effect that it would be suffice, if his representation dated 21.09.2017 is disposed of by the respondents 2 to 4, in the manner known to law, within a stipulated time limit, for which, the learned Government Advocate has no serious objections.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the case, directs the respondents 2 to 4 to consider the representation of the petitioner dated 21.09.2017 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To

1. The Executive Engineer / Assistant Director,
Ground Water Division,
Water Resource Department,
Tharamani,
Chennai - 113.
2. The Tahsildar,
Taluk Office, Kovilpatti,
Kovilpatti,
Tuticorin District.
3. The Manthithoppu Village Panchayath,
Rep. by the Special Officer cum
Block Development Officer,
B.D.O. Office, Kovilpatti Taluk,
Tuticorin District.
4. The Revenue Inspector,
Revenue Inspector Office,
Manthithoppu Village,
Kovilpatti,
Tuticorin District.

+1cc to Mr.J.Gunaseelan Muthiah, Advocate Sr.No.83548
+1cc to Mr.R.Karunanidhi, Advocate Sr.No.83554

GK

VB/MR/SAR1/02/11/2017/3P/7C

W.P. (MD) No.18903 of 2017
25.10.2017