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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.07.2017

CORAM:

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

W.P. (MD) No. 5465 of 2017
and
WMP (MD) No.4381 of 2017

A.Sebastian : Petitioner
Vs.

- 1.The Distict Collector,
Thanjavur District, Thanjavur
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur, Thanjavur District.
- 3.The Tahsildar,
Tahsildar Office,
Thanjavur, Thanjavur District.
- 4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.23, SIDCO Industrial Estate,
Opp. To Uzhavar Chandai,
Nanjikottai Road, Thanjavur-613 006.
- 5.The Commissioner,
Thanjavur Corporattion, Thanjavur-613 005.
- 6.The Special Officer,
Nanchikottai Panchayat,
Nanchikottai, Thanjavur Taluk,
Thanjavur District.
- 7.The Chief Engineer, (General)
Public Works Department,
(Water Resources Organization)
Chennai-5.
- 8.The Chief Engineer,
TWAD Board, Thanjavur,
37, 1st Floor,
Easwari Nagar Medical College Road,
Thanjavur-613 004.



9.C.Soosai
 10.A.Stalin
 11.A.Joseph
 12.S.Jesuraj
 13.Alexander
 14.C.Joseph

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 8 to forbear the respondents 9 to 14 and other similarly placed water suppliers operating without valid licence from lifting underground water for commercial purpose at Mathankottai village including the extension area, near the Trichy-Nagapatinam Bye Pass Road, Nanchikottai Panchayat, Thanjavur Taluk, Thanjavur District based on the petitioner's representation dated 28.11.2016 and 30.01.2017.

For Petitioner :Mr.R.Vijayakumar

For Respondents :Mr.T.S.md.Mohideen
 A.G.P. for R1 to R4 & R7

Mr.A.K.Baskara Pandian
 Spl.G.P. for R6

Mr.K.Chellapandian for
 G.Karnan for R9 to R14

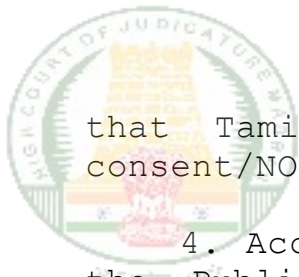
O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed in the interest of villagers of Mathankottai Village, Tanjore Taluk, Tanjore District.

2.The writ petitioner has alleged that the private respondents have installed industrial borewells and are lifting huge quantity of water every day continuously and selling it through lorries. As a result, the underground water table in the area has been completely affected. It is stated that these private water suppliers have installed nearly 7 giant borewells within the radius of ½ kilometer. According to the writ petitioner, such extraction of underground water is going on without getting any permission from the authorities. Aggrieved by the same, the writ petitioner has represented to various authorities on 19 August 2016. Since no action was initiated, this writ petition has been filed.

<https://hcservices.courts.gov.in/hcservices/>
 3.The District Environmental Engineer, Tamil Nadu Pollution Control Board, Thanjavur has filed his counter affidavit stating



that Tamil Nadu Pollution Control Board has not given any consent/NOC/licence for such extraction of water.

4. According to the Tamil Nadu Pollution Control Board, it is the Public Works Department, State Ground and Surface Water Resources Division is the competent authority to decide on the issue.

5. This writ petition is disposed of by granting liberty to the writ petitioner to submit a proper representation to the competent authority, who shall on receipt of such representation take strict action in accordance with law within a period of six weeks thereafter. The competent authority shall give notice to the interested parties and if it is found that the allegation in the writ petition is true, shall take effective steps to ensure that such activities do not occur.

6. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District, Thanjavur
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur, Thanjavur District.
3. The Tahsildar,
Tahsildar Office,
Thanjavur, Thanjavur District.
4. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Plot No.23, SIDCO Industrial Estate,
Opp. To Uzhavar Chandai,
Nanjikottai Road, Thanjavur-613 006.
5. The Commissioner,
Shenoi Nagar Municipal Corporation, Thanjavur-613 005.



6.The Special Officer,
Nanchikottai Panchayat,
Nanchikottai, Thanjavur Taluk,
Thanjavur District.

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7.The Chief Engineer, (General)
Public Works Department,
(Water Resources Organization)
Chennai-5.

8.The Chief Engineer,
TWAD Board, Thanjavur,
37, 1st Floor,
Easwari Nagar Medical College Road,
Thanjavur-613 004.

+1cc to Mr.G.Karnan,Advocate,SR. 65097

+2cc to M/S.Special Government Pleader,SR. 65691,66127

+1cc to Mr.R.Vijayakumar,Advocate,SR.65184

+1cc to Mr.A.K.Baskarapandiyan,Advocate,SR.65181

ARUL/SKM

KK/SKN RSK/SAR1/26.07.2017/4P-14C

W.P. (MD) No. 5465 of 2017
and
WMP (MD) No.4381 of 2017
13.07.2017