

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10028 of 2013
M.P.Nos. 2 and 3 of 2013

Avadi Tamil Nadu Veettu Vasathi Variya
Odukkidutharargal and Kudiyiruppor
Nalvazhvu Sangam, Regn. No. 92 of 2000
Rep by its President,
S. Vijayan,
No.2583, L.I.G.-II, T.N.H.B
Tamil Nadu Housing Board, Avadi,
Chennai -54.

.... Petitioner

Vs.

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur, Tiruvallur District.
3. The Tahsildar,
Poonamallee, Tiruvallur District.
4. The Assistant Engineer, (O & M)
Tamil Nadu Generation Electricity
Distribution Corporation (TANGEDCO),
Tamil Nadu Electricity Board,
Pattabiram, Chennai - 72.

5. S.Muthu Krishnan,

6. R. Ram ravindra Kumar Respondents

(R5 and R6, impleaded as per Order dated 08.07.2013 by KKSJ
in M.P. No.4 of 2013 in W.P. No.10028 of 2013)

Prayer :: Petition filed under Article 226 of the Constitution
of India to issue a Writ of Certiorari to call for the entire
records relating to the impugned order passed by the 3rd
respondent in his proceedings Na.Ka.No.7166/2008/A1, dated
07.03.2013 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.D.Raghu (for R1 to R3),
Mr.S.K.Rameshuwar (for R4),
Mr.A.Vimal Raj
for M/S.N.R.Anantha Rama Krishnan
(for R5 and R6)

O R D E R

The notice issued by the 3rd respondent in his proceedings dated 07.03.2013 in respect of tapping drinking water illegally by using electrical motor for commercial purposes is under challenge in this writ petition.

2. The notice issued by the Tahsildar, Poonamallee, Tiruvallur District, states that the petitioners association in support of their vendors have tapped drinking water contrary to the statutes and selling the drinking water for commercial purposes. Such an action is in violation of the orders passed by the Hon'ble High Court in W.P.No.16306 of 2008. In this regard the Tahsildar issued a notice to the persons who have involved in such illegal tapping of water. The copy of the order was not communicated to the writ petitioner Sangam.

3. The present writ petition has been filed by the Avadi Tamil Nadu Veettu Vasathi Variya Odukkidutharargal and Kudiyiruppor Nalvazhvu Sangam. The learned Counsel for the petitioner states that the residence of that locality have registered a Sangam and they are acting for the interest and welfare of the residents of that locality. The learned Counsel for the petitioner further states that there is no illegal tapping of water by the vendors of the petitioners association. At the outset the writ petitioner wants to support the persons who have illegally tapped drinking water for commercial purposes.

4. This court is of an opinion that the writ petitioner if at all the residents of that locality, they are not supporting the illegal activities of the contractors who are tapping drinking water for commercial purposes, which is contrary to the provisions of the statutes. If the petitioners are in need of water they have to approach the appropriate persons by getting the drinking water in a legal manner or approach the competent officials for supply of waters in accordance with the procedures contemplated under the law. Contrarily the writ petitioners cannot support the persons who are illegally tapping the ground water for commercial purposes, which is an offence. Thus the writ petitioner has no locus standi to challenge the present

notice issued by the Tahsildar in respect of tapping of illegal water for commercial purposes is being the factum of the case. The writ petitioner has not established any acceptable ground for the purpose of interfering with the order impugned passed by the 3rd respondent.

5. If at all such legalities are committed by any person in that locality, it is for the District Collector and other Revenue Officials to take action in accordance with law. There cannot be any leniency in respect of any such illegality of tapping ground water for commercial purposes in violation of the statute and in violation of the orders of the High Court. Thus, in view of the matter no further adjudication is required in this writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msvm

To

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Revenue Divisional Officer,
Thiruvallur, Tiruvallur District.
3. The Tahsildar,
Poonamallee, Tiruvallur District.
4. The Assistant Engineer, (O & M)
Tamil Nadu Generation Electricity
Distribution Corporation (TANGEDCO),
Tamil Nadu Electricity Board,
Pattabiram, Chennai - 72.

+1cc to M/S.N.R.Anantha Ramakrishnan, Advocate Sr.44980

+1cc to Mr.C.Prakasam, Advocate Sr.44391

W.P.No.10028 of 2013
M.P.Nos. 2 and 3 of 2013

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srg 24/07/2018