

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18852 of 2018

Swan Aqua
rep by its Proprietor P.Kumar
No.55, Theeyambakkam Road, Revathi Nagar,
Vilangadupakkam, Madhavaram Taluk,
Chennai - 600 052. ... Petitioner

Vs.

- 1.The District Collector,
Thiruvallur District.
- 2.The Tahsildar,
Madhavaram Taluk,
Madhavaram District. ... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of mandamus directing the 2nd
respondent to de-seal the water unit of the petitioner forthwith
bearing No.55, Theeyambakkam Road, Revathi Nagar,
Vilangadupakkam, Madhavaram Taluk, Chennai - 52.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents : Mr.D.Surya Narayanan,
Additional Government Pleader

सत्यमेव जयते
O R D E R

With the consent of both parties, the matter is taken up
for disposal.

2.The learned counsel for the petitioner submitted that the
Tahsildar, Madhavaram, who is not a Competent Authority, has
wrongly issued the show cause notice dated 16.05.2018, that too,
under the repealed Act viz., Tamil Nadu Groundwater (Development
and Management) Act, (Tamil Nadu Act 3 of 2003). Therefore, the
show cause notice issued by the 2nd respondent to close down the
running water treatment plant is liable to be set aside.

3.This Court in W.P.No.18044 of 2018 by order dated 17.07.2018 has set aside similar proceedings issued by the Tahsildar, Madhavaram without any authority or jurisdiction on the ground that the Chennai Metro Water Board is only the Competent Authority, therefore, when the Tahsildar, Madhavaram has no authority, whatsoever, besides has issued the show cause notice under the repealed Act, the impugned order is bad in law.

4.In view of the same, the 2nd respondent is directed to de-seal the water unit of the petitioner forthwith on receipt of the copy of the order.

5.In the result, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Thiruvallur District.

2.The Tahsildar,
Madhavaram Taluk, Madhavaram District.

+1cc to Mr.K.Ravi Anantha Padmanaban, Advocate SR.No.49607
+1cc to Government Pleader SR.No.49968

W.P.No.18852 of 2018

GN(06/08/2018)

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