



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.2057 of 2018

and

W.M.P.(MD)Nos.2295 to 2297 of 2018

J & J Aqua Enterprises,
Represented by its Proprietor,
IL.Joseph Jeyaraaj.

... Petitioner

Vs.

1.The Chief Engineer,
Public Works Department,
Water Research Organisation,
State Ground & Surface Water Resources Data Centre,
Taramani, Chennai-600 113.

2.The Tahsildar,
Madurai West, Madurai.

3.Venkatachalapathy Nagar Resident,
Welfare Association (Regd).,
Represented by its President B.Kalyanavenkatraman,
Sri Venkatachalapathy Nagar,
Thuvariman, Madurai-18.

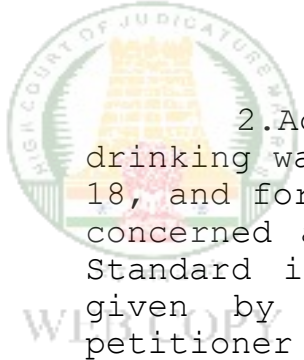
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the entire records in connection with the impugned proceedings of the second respondent in Na.Ka.No.7864/2017/A dated 11.01.2008 and quash the same.

For Petitioner	: Mr.R.Devaraj
For R1 and R2	: Mr.Chellapandian, Additional Advocate General, assisted by Mrs.J.Padmavathi Devi, Special Government Pleader
For R3	: Mr.Manohar

ORDER

This writ petition has been filed, challenging the order dated 11.01.2008 passed by the second respondent locking and sealing of the petitioner's packaged drinking water unit.



2. According to the petitioner, he is running a packaged drinking water unit at Venkatachalapathy Nagar, Thuvariman, Madurai-18, and for that purpose he also obtained necessary licence from the concerned authorities and the licence issued by the Bureau Indian Standard is valid upto 30.04.2018. Now, based on the complaint given by the third respondent association alleging that the petitioner is drawing water from Venkatachalapathy Nagar, Thurvariman, the second respondent locked and sealed the premises. But, the petitioner is transporting the water to their packaged drinking water unit from a bore well in the Kumaran Village, near Alanganallur, he is not drawing water from the above bore well. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not at all drawing water at Venkatachalapathy Nagar, he is only drawing water from Kumaran Village near Alanganallur, and packaging the drinking water at Venkatachalapathy Nagar, for which he is having licence.

4. The said fact is disputed by the learned counsel appearing for the third respondent stating that the petitioner is only drawing water from Venkatachalapathy Nagar. In the above circumstances, this Court appointed an Advocate Commissioner to inspect the premises and file a report. The Advocate Commissioner also visited the premises on 13.02.2018, and inspected the place in presence of both the petitioner as well as the third respondent and filed a report stating that, even though there is a bore well available at Venkatachalapathy Nagar, there is no motor pump available to draw the water. Apart from that he has also visited the Kumaran Village and found that a bore well is available there.

5. Today, when the matter is taken up hearing, the learned counsel appearing for the petitioner has filed an undertaking affidavit stating that he is not drawing water from the bore well situated in the Venkatachalapathy Nagar.

6. Considering the report filed by the Advocate Commissioner, and undertaking affidavit filed by the petitioner that he will not draw the water from the Venkatachalapathy Nagar, and he is only processing the water drawn from Kumaran Village, the petitioner is directed to appear before the second respondent and file an undertaking affidavit stating that he will not draw the water from the Venkatachalapathy Nagar unit. On filing such undertaking affidavit, the second respondent is directed to remove the lock and seal of the property.

7. It is made clear that despite undertaking given by the petitioner, if he will indulge to draw the water from the Venkatachalapathy Nagar, it is always open to the respondents to lock and seal the premises, without issuing any notice to the petitioner. Since the petitioner said to have a valid licence to process the drawing water, the authorities are directed to permit the petitioner to process and package the drinking water after verifying the licence.



8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Engineer,
Public Works Department,
Water Research Organisation,
State Ground & Surface Water Resources Data Centre,
Taramani, Chennai-600 113.

2. The Tahsildar,
Madurai West, Madurai.

+1cc to M/S.S.Manohar, Advocate SR.No. 50536
+1cc to M/S.R.Devaraj, Advocate SR.No. 50382

W.P (MD) No.2057 of 2018
21.02.2018

Myr
JM/SV MMS/SAR 1/22.02.2018/3P/5C