



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.5265 of 2018

P.Selvam

... Petitioner

Vs.

1. The District Collector,
Trichirappalli District,
Trichirappalli.
2. The Chief Engineer,
Public Works Department, Trichy Division,
Subramaniapuram, Trichirappalli.
3. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.25, Thuvakudi, Trichirappalli.
4. The Designated Officer,
Office of the Deputy Director of Health Services,
Near Jamal Mohammed College,
Race Course, Trichirappalli.
5. M/s.Energy Solution (Nalam Neer),
Rep. by Navamani.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to take action against the fifth respondent for illegally running the water business in the name and style of 'Nalam Neer' without getting necessary permission from the concerned authorities based on the representation of the petitioner and other Villagers, dated 15.09.2017.

For Petitioner	: Mr.D.Srinivasa Ragavan
For RR 1, 2 & 4	: Mr.M.Murugan, Government Advocate.
	: Mr.M.Govindan

**ORDER**

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

By consent, the Writ Petition itself is taken up for final disposal.

2.Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of the respondents 1, 2 and 4 and Mr.M.Govindan, learned counsel, accepts notice on behalf of the third respondent.

3.This Writ Petition is styled as a 'Public Interest Litigation' and according to the petitioner, the fifth respondent dug a bore-well in Survey No.559/8 situated in Sakkampatti, Nadupatti Village in Trichy - Dindigul National Highways and started manufacturing packaged drinking water, without obtaining any proper permission or licence from the concerned authorities and the same is also being run without adherence to the relevant norms.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to G.O.(Ms)Nos.52, 142 and 113, Public Works (R2) Department, dated 02.03.2012, 23.07.2014 and 19.06.2016 respectively and would submit that as per G.O.Ms.No.113, Public Works (R2) Department, dated 19.06.2016, Manapparri is classified as a critical zone area and as such, no water extraction unit can be permitted and however, the fifth respondent is running a packaged drinking water and it was also brought to the knowledge of the fourth respondent, who sent a communication, dated 09.10.2017 in Na.Ka.No.660/U.Pa/2017 to the petitioner, informing him that unless and until the fifth respondent submits 'No Objection Certificate' from the Government of Tamil Nadu for extracting ground water, FSSA licence cannot be granted. The further submission of the learned counsel appearing for the petitioner that a representation has been submitted to the Assistant Director and Health Assistant Director, Trichirappalli and they respond in their reply, dated 23.10.2017, stating that it is for the local body to take appropriate action. Since no worthwhile action is being taken to prevent the fifth respondent from running the said plant, the petitioner is constrained to approach this Court by filing this Writ Petition.

5.Mr.M.Murugan, learned Government Advocate appearing for the respondents 1, 2 and 4 would submit that the Block Development Officer of Manapparai Panchayat Union is the competent authority to take action against the fifth respondent.

6.This Court, taking into consideration the above facts and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a representation to the Block Development Officer of Manapparai



Panchayat Union, by enclosing a copy of this order as well as relevant documents, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the said official, after putting an notice, the petitioner as well as to the fifth respondent, shall take appropriate action on merits and in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the fifth respondent.

7.The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Trichirappalli District, Trichirappalli.
 2. The Chief Engineer,
Public Works Department,
Trichy Division, Subramaniapuram, Trichirappalli.
 3. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.25, Thuvakudi, Trichirappalli.
 4. The Designated Officer,
Office of the Deputy Director of Health Services,
Near Jamal Mohammed College,
Race Course, Trichirappalli.
- +1. CC to Mr.D.Srinivasa Ragavan, Advocate SR.No.54899
+1. CC to Mr.M.Govindan, Advocate SR.No.54977

W.P (MD) No.5265 of 2018
13.03.2018

ps

MKV-PN-MMS-SAR 2/27.3.2018/3P-7C