



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.01.2018

CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.16549 of 2017
and
W.M.P (MD) No.13180 of 2017

Pannerselvam

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Taluk Office,
Melur, Madurai District.

3.The Assistant Engineer,
TANGEDCO, Melur,
Madurai District.

4.Zahir Hussain

5.The Executive Engineer,
P.W.D., W.R.O., Ground Water Division,
Thallakulam, Madurai - 625 002.
[Fifth respondent is impleaded, vide
order, dated 10.01.2018, made in
W.M.P (MD) No.18516 of 2017]

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to take immediate action against the fourth respondent by stopping the illegal drawal of drinking water from the bore well situated at Survey No.248/2B, A-Vellalapatti Village, Melur Taluk, Madurai District, on the basis of representation, dated 09.08.2017, given by the petitioner.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.A.Muthukaruppan,
1, 2 and 5 Additional Government Pleader.

For Respondent No.3 : Mr.S.M.S.Johnny Basha

For Respondent No.4 : Mr.M.Mohammed Sherbudeen

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, this writ petition itself, is taken up for final disposal.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader, appears on behalf of the respondents 1 ,2 and 5, Mr.S.M.S.Johnny Basha, learned standing counsel, appears on behalf of the third respondent and Mr.M.Mohammed Sherbudeen, learned counsel, appears on behalf of the fourth respondent.

3.This writ petition is filed as a Public Interest Litigation, alleging that the fourth respondent in his land in Survey No.248/2B, admeasuring to an extent of 21 cents, sought to put up a bore-well for the purpose of extracting water and selling it for commercial purpose and also making

cool drinks and the agitated villagers have also submitted representations, dated 01.10.2016 and 09.08.2017 to the respondents and inspite of receipt and acknowledgement, no action has been taken to redress the grievance of the petitioner and hence, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner would submit that the fourth respondent without obtaining any licence or permission, sought to put up a bore-well for commercial exploitation.

5.Per contra, the learned Additional Government Pleader appearing for the respondents 1, 2 and 5, would submit that on the basis of objection raised by the local people, enquiry was conducted on 01.08.2017 and the fourth respondent has given a written statement and the same was also recorded on 02.08.2017, wherein he has given an undertaking to the effect that he shall obtain necessary permission for such exploitation. The learned Additional Government Pleader has also produced the proceedings of the Revenue Divisional Officer, Melur, Madurai District, dated 01.08.2017, made in Na.Ka.No.4034/2017/C, to that effect and the same is taken on file and recorded.

6.In the light of the aforesaid development, nothing further remains for adjudication in this writ petition as on date and therefore, this writ petition is closed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/



To

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Taluk Office,
Melur, Madurai District.

3.The Assistant Engineer,
TANGEDCO, Melur, Madurai District.

4.The Executive Engineer,
P.W.D., W.R.O., Ground Water Division,
Thallakulam, Madurai - 625 002.

+1cc to Mr.M.MOHAMED SHERRUDEEN,Advocate,SR.41679

+1cc to Mr.S.SATHYACHIDAMBARAM,Advocate,SR. 41557

W.P (MD) No.16549 of 2017
and

W.M.P (MD) No.13180 of 2017
10.01.2018

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