



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1148 of 2018
and
W.M.P. (MD) .Nos.8214 and 8215 of 2018
&
Cont.P. (MD) .No.2096 of 2017
in
W.P. (MD) .No.5965 of 2017

In W.A. (MD) .No.1148 of 2018:

R.Vijayakumar

.. Appellant/Petitioner

-vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Superintendent of Police,
O/o.the Superintendent of Police,
Ramanathapuram District.

3.The Commissioner,
Rameshwaram Municipality,
Ramanathapuram District.

4.The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.

5.The Commissioner,
Rameshwaram Municipality,
Ramanathapuram District.

6.The Special Officer,
Thanchimadam Panchayat,
Thangachimadam,
Rameshwaram Taluk,
Ramanathapuram District.

7.J.John Amalraj,
Secretary,

<https://hcservices.ecourts.gov.in/hcservices/>

Ramnad District Consumer Rights Protection Association,



Register No.34, Sathiya Nagar,
Ariyankundu Post,
Thangachimadam,
Rameshwaram Taluk,
Ramanathapuram District.

.. Respondents/Respondents

PRAYER: Petition filed under Clause 15 of Letters Patent, praying to set aside the order passed by this Court in W.P.(MD).No.2954 of 2018, dated 04.07.2018.

Prayer in WP(MD). 2954/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.Vu.Ni.5/3393/2017 dated 22.12.2017 on the file of the Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent Nos.1 to 6 : Mr.A.K.Baskarapandian
Special Government Pleader

For Respondent No.7 : Mr.M.Jerin Mathew

In Cont.P.(MD).No.2096 of 2017:

J.John Amalraj

.. Petitioner/Petitioner

vs.

1.S.Natarajan,
The District collector,
Ramanathapuram,
Ramanathapuram District.

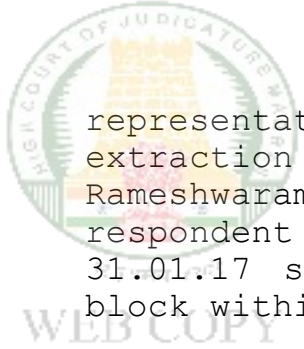
2.C.T.Shankar,
The Chief Engineer,
State Ground and Surface Water
Resources Data Centre,
Tharamani,
Chennai,
Thoothukudi.

.. Respondents/Respondents

PRAYER: Petition filed under Section 11 of Contempt of Court Act, 1971, to punish the respondents for the deliberate and wilful disobedience of the order dated 20.06.2017 passed by this Court in W.P.(MD).No.5965 of 2017.

Prayer in WP(MD). 5965/ 2017 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st respondent to consider the petitioner's



representation dated 21.11.16 seeking to curb the menaces of illegal extraction of ground water for commercial purposes in and around Rameshwaram and also for a consequential direction to the 2nd respondent to consider the petitioner's representation dated 31.01.17 seeking to classify Rameshwaram Block as over exploited block within a period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew
 For Respondents : Mr.A.K.Baskarapandian
 Special Government Pleader

COMMON JUDGMENT

[Judgment of the Court was made by M.M.SUNDRESH, J.]

Since the issues involved in these two cases are one and the same, these two cases are disposed of by way of a common judgment.

2. This writ appeal is directed against the order of the learned Single Judge, who was pleased to dismiss the writ petition on the ground that it is not maintainable as no final order is passed.

3. The appellant is a practising lawyer. He is said to be the counsel for the third respondent Rameshwaram Municipality.

4. What has been challenged is the communication sent by the District Collector to the Block Development Officer of the Village Panchayat, Mandapam. In such view of the matter, this Court does not find any error in the order passed by the learned Single Judge.

5. At this stage, the appellant is not the person aggrieved. He also cannot represent the individuals, who are commercially extracting the ground water. At best, his grievance can be with respect to the supply of water. We do not know whether the proposed action would result in failure of supply of water to the general public. This is in the realm of speculation. Thus, we do not find any merit in the appeal.

6. However, considering the facts and circumstances of the case, we direct the first respondent to look into the matter and draw picture and formulate a scheme, if law provides so, for regulating supply of water. The first respondent shall also take note of the scope of applicability of G.O.Ms.No.142, Publics Works (R2) Department dated 23.07.2014 while doing so. The above said exercise will have to be done by the first respondent within a month from the date of receipt of a copy of this order.

7. Accordingly, this Writ Appeal is dismissed with the above direction. No Costs. Consequently, connected miscellaneous petitions are dismissed.



8. In view of the order passed in the W.A.(MD).No.1148 of 2018, Contempt Petition(MD).No.2096 of 2017 stands closed. After completing the aforesaid exercise, the decision of the first respondent will have to be communicated to the contempt petitioner.

WEB COPY

Sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Superintendent of Police,
O/o.the Superintendent of Police,
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3.The Commissioner,
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Thanchimadam Panchayat,
Thangachimadam,Rameshwaram Taluk,
Ramanathapuram District.

+1 CC to Spl.Govt. Pleader SR.No.91801
+1 CC to Mr.T.LajapathiRoy, SR.NO.92439
+1 CC to Mr.M.Jerin Mathew, SR.No.91969

PJL

SS/SKN/SAR 1/10.12.2018/4P/10C

W.A. (MD) No.1148 of 2018
and

Cont.P. (MD) .No.2096 of 2017
24.10.2018