

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 12815 of 2019

N. Jayavel

... Petitioner

-vs-

1. The District Collector,
Collector Office,
Palladam Road,
Tiruppur 641 604.

2. The District Revenue Officer,
Kumaran Road,
Tirupur 641 601.

3. The Tahsildar South,
South Taluk Office,
Palavanzhaipalayam,
Tirupur 641 606.
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents from preventing the Petitioner from taking water from his own well situated in S.F. No. 27 situated in Nallur Village, Nallur Sub-Division, Tiruppur District by his own lorry bearing Registration No. TN 43-Z-3562 and TN-37-CB-4663 for supplying the water in the resident in and around Tiruppur District.

For Petitioner : P. Kalimuthu

For Respondents : Mr. R. Venkatesh,
Government Advocate

ORDER

Heard Mr. P. Kalimuthu, Learned Counsel for the Petitioner and Mr. R. Venkatesh, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to forbear the Respondents from preventing the Petitioner from taking water from his own well situated in S.F. No. 27 situated in Nallur Village, Nallur Sub-Division, Tiruppur District by his own lorry bearing Registration Nos. TN 43-Z-3562 and TN-37-CB-4663 for supplying water to the residents in and around Tiruppur District.

3. The Third Respondent has filed Counter Affidavit opposing the said claim of the Petitioner stating as follows:-

"3. The Petitioner Thiru. N. Jayavel, S/o. Natesan has stated that he is residing at door No. 1/12, Sammathottam,

Mudalipalayam Pirivu, Vijayapuram, Nallur Village of Tiruppur South Taluk, Tiruppur District and carrying out water supply business in the name of Sri Vinayaka Water Supply in the above mentioned address and he is supplying water to his agriculture land and to the Residential areas in and around Tiruppur City from his open Well situated in S.F. No. 27 of the above Village of the Tiruppur South Taluk.

4. *Generally, the Tiruppur City Municipal Corporation is under the coverage of Amrut Scheme, under which water supply to the residents of Tiruppur City Municipal Corporation is envisaged. Besides, the following water schemes are in operation to meet the daily requirement of the public.*

(i) *First Water Scheme is being carried out by the Tiruppur City Municipal Corporation since its inception as Municipality under which 4.5 Million Litres of water per day is supplied and the source of water is Bhavani River, through its separate pumping station at Mettupalayam, near Coimbatore.*

(ii) *Second Water Scheme is being carried out by the TWAD Board under which 24 Million Litres of water per day is supplied and the source of water is Bhavani River, through its separate pumping station at Mettupalayam, near Coimbatore.*

(iii) *Third Water Scheme is being carried out by the New Tiruppur Area Development Corporation Limited under which 88 Million Litres of water per day is supplied to the Resident of Tiruppur as well as the industries and the source of water is Cauveri River, through its separate pumping station at Bhavani near Erode.*

(iv) *Recently, Fourth Water Scheme is to be carried out by the Tiruppur City Municipal Corporation, through Amrut Scheme, being sponsored by the Central and State Government, under which 100 Million Liters per day will be supplied for which necessary infrastructural activities are being done at various parts of the Tiruppur City Municipal Corporation and the source of water is Bhavani River, through its separate pumping station at Mettupalayam, near Coimbatore.*

(v) Above all, 17 water carrying lorries are being operated out by the Tiruppur City Municipal Corporation to feed the water requirement to the residential area, free of cost, where the above schemes are not in operation.

5. Regarding rural areas in and around Tiruppur City, the water supply schemes are being carried out by the TWAD Board in support of the concerned local bodies.

6. With the above all water schemes are meant to feed the daily water requirement of the public residing in and around Tiruppur, Hence, the supply of water by the private bodies for domestic purpose are not needed. The Petitioner herein may be allowed to supplying of water to his own agriculture land alone, situated in the above Village with the prior permission obtained from the respective authorities.

7. If the Petitioner herein is allowed to supply water through lorries bearing Registration Nos. TN 43 – 3562 and TN 37- CB- 4663 for domestic purpose, the water table level may be decreased on that area so that the Farmers doing

agriculture nearby areas may be affected seriously due to artificial water scarcity."

4. Having due regard to the aforesaid explanation of the Respondents taking into consideration the directions issued by the Government of Tamil Nadu in G.O. (Ms). No. 50, Municipal Administration and Water Supply (MA2) Department, dated 21.05.2018, the question of permitting the Petitioner to extract water for purposes other than agriculture would not arise. Moreover, it has also been stated that necessary arrangements have been made by the local bodies concerned to supply water to the people of the locality.

5. As there is no justification in the claim made by the Petitioner, the Writ Petition is dismissed. No costs.

सत्यमेव जयते

24.10.2019

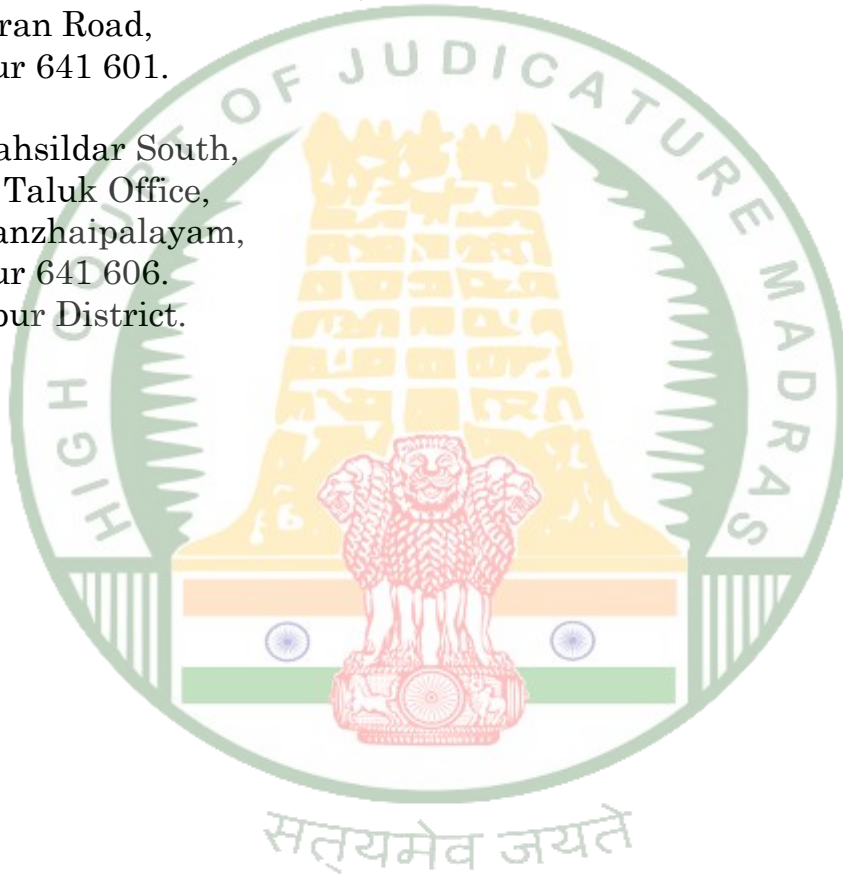
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Index : Yes/No

Note: Issue order copy by 04.11.2019.

To

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