

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04 / 10 /2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WRIT PETITION NOS.15304, 17384, 18264, 19596, 21299 & 21917 OF
2019
AND
WMP.NOS.17623, 21215 & 20518 OF 2019

1 MRS. V. SHEELA ... PETITIONER IN WP NO.15304 OF 2019
1 R.K.ILAYARAJA ... PETITIONER IN WP NO.17384 OF 2019
1 N.NAGESWARA RAO ... PETITIONER IN WP NO.18264 OF 2019
1 P.R.SIVASANKAR ... PETITIONER IN WP NO.19596 OF 2019
1 T.SIVAKUMAR ... PETITIONER IN WP NO.21299 OF 2019
1 G.VELU ... PETITIONER IN WP NO.21917 OF 2019

Vs.

1 THE DISTRICT COLLECTOR
THIRUVALLUR DISTRICT
2 THE TAHSILDAR
POONAMALLEE
3 BLOCK DEVELOPMENT OFFICER
POONAMALLEE
4 THE EXECUTIVE ENGINEER
CHENNAI METROLOGICAL WATER SUPPLY AND SEWAGE
BOARD CHINTADRI PET CHENNAI-2
5 Mr.DEVARAJ ... RESPONDENTS IN WP NO.15304 OF 2019
1 THE DISTRICT COLLECTOR
CHENNAI DISTRICT RAJAJI SALAI CHENNAI

- 2 THE TAHSILDAR
ALANDUR TALUK CHENNAI-600 016
- 3 THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICER
GUINDY CHENNAI-600 032
- 4 THE COMMISSIONER
GREATER CORPORATION OF CHENNAI
CHENNAI-600 003
- 5 THE ASSISTANT COMMISSIONER
GREATER CORPORATION OF CHENNAI ALANDUR
DIVISION ALANDUR CHENNAI 600 016
- 6 THE EXECUTIVE ENGINEER
CHENNAI METROPOLITAN WATER SUPPLY AND
SEWERAGE BOARD CHITADRI PET CHENNAI-600 002
- 7 THE ASSISTANT ENGINEER
CHENNAI METROPOLITAN WATER SUPPLY AND
SEWERAGE BOARD NANAGNALLUR CHENNAI-60 061
- 8 THE DEPUTY COMMISSIONER OF POLICE
ST.THOMAS MOUNT CHENNAI-600 016
- 9 THE INSPECTOR POLICE
PALAVANTHANGAL POLICE STATION CHENNAI-600 061
... RESPONDENTS IN WP NO.17384 OF 2019
- 1 THE GOVERNMENT OF TAMIL NADU
REP BY THE SECRETARY TO THE GOVT MUNICIPAL
ADMINISTRATION AND WATER SUPPLY DEPARTMENT
FORT.ST.GEORGE CHENNAI-9
- 2 THE CHAIRMAN AND MANAGING DIRECTOR
MADRAS METROPOLITAN WATER SUPPLY AND
DRAINAGE BOARD NO 1 PUMPING STATION ROAD
CHINTADRI PET CHENNAI-2
- 3 THE CHIEF ENGINEER
STATE GROUND AND SURFACE WATER RESOURCES
DATE CENTRE THARAMANI CHENNAI-113
- 4 THE COLLECTOR KANCHEEPURAM
KANCHEEPURAM DISTRICT.

- 5 THE TAHSILDAR TAMBARAM TALUK
TAMBARAM CHENNAI-45
- 6 THE REVENUE DIVISIONAL OFFICER
TAMBARAM TALUK CHENNAI-45
- 7 THE EXECUTIVE ENGINEER
TNEB 110 KV. PUTHUTHANGAL SS COMPLEX
MULLAI NAGAR MAIN ROAD WEST TAMBARAM
CHENNAI-45
- 8 THE INSPECTOR OF POLICE
S-15 POLICE STATION VELACHERY MAIN ROAD
SELAIYUR CHENNAI-73
- 9 MR.R.RAMESH S/O. LATE MR. RA
NAGANATAN NO 3A VEMBULIAMMAN KOIL 2ND
STREET GOWRIVAKKAM CHENNAI-73
- 10 MR.G.PRAKASH S/O. GOVARADH
ANAN NO 41 VEMBULIAMMAN KOIL 1ST STREET
GOWRIVAKKAM CHENNAI-73
- 11 MR. KUMARASWAMY
8/31 VEMBULIAMMAN KOIL 1ST STREET
GOWRIVAKKAM CHENNAI-73
- ... RESPONDENT IN WP NO.18264 OF 2019
- 1 THE DISTRICT COLLECTOR
TIRUVALLUR DISTRICT TIRUVALLUR.
- 2 THE DISTRICT REVENUE OFFICER
TIRUVALLUR DIVISION TIRUVALLUR.
- 3 THE TAHSILDAR
POONAMALLEE TALUK TIRUVALLUR
- 4 THE VILLAGE ADMINISTRATIVE OFFICER
PIDIARITHANGAL VILLAGE
BANAVEDUTHOTTAM PANCHAYAT UNION POONAMALLEE
POST CHENNAI-56
- 5 KUMARESAN
PIDIARITHANGAL VILLAGE BANAVEDUTHOTTAM
PANCHAYAT UNION POONAMALLEE POST
CHENNAI-56

- 6 DAVID
PIDIARITHANGAL VILLAGE BANAVEDUTHOTTAM
PANCHAYAT UNION POONAMALLEE POST
CHENNAI-56
- 7 SEKAR
PIDIARITHANGAL VILLAGE BANAVEDUTHOTTAM
PANCHAYAT UNION POONAMALLEE POST
CHENNAI-56
- 8 SHANMUGAM
PIDIARITHANGAL VILLAGE BANAVEDUTHOTTAM
PANCHAYAT UNION POONAMALLEE POST
CHENNAI-56
- 9 ELANGOVAN
PIDIARITHANGAL VILLAGE BANAVEDUTHOTTAM
PANCHAYAT UNION POONAMALLEE POST
CHENNAI- 56
- 10 THE SECRETARY TO THE GOVERNMENT
MUNICIPAL ADMINISTRATION AND WATER
SUPPLY DEPARTMENT CHENNAI. (R10 IMPEADED
VIDE ORDER DT 19/07/2019 MADE IN WP.NO.
19596/19)

... RESPONDENTS IN WP NO.19596 OF 2019

- 1 THE DISTRICT COLLECTOR
KARUPPA GOUNDAN PALAYAM PALLADAM ROAD
TIRUPPUR TIRUPPUR DISTRICT.
- 2 THE DISTRICT REVENUE OFFICER
TIRUPPUR TIRUPPUR DISTRICT.
- 3 THE REVENUE DIVISIONAL OFFICER
ELAYAMUTHUR ROAD OPPOSITE TO
GOVERNMENT ARTS COLLEGE UDUMALPET TIRUPPUR
DISTRICT.
- 4 THE THASILDAR
MADATHUKULAM TALUK OFFICE PALANI ROAD
TIRUPPUR DISTRICT.
- 5 THE EXECUTIVE ENGINEER
TAMIL NADU WATER RESOURCES AND SURFACE WATER
BOARD AMARAVATHI RIVER BASIN DHARAPURAM.

- 6 THE ASSISTANT EXECUTIVE ENGINEER
MADATHUKULAM TANGEDCO NO.110/22 KV
SUB STATION CAMPUS SOLAMADEVI MEDU KANIYUR
ROAD MADATHUKULAM TALUK PIN CODE 642 113.
- 7 THE INSPECTOR OF POLICE
MADATHUKULAM POLICE STATION PALANI ROAD
TIRUPPUR DISTRICT.
- 8 S.K.DHANDAPANI
S/O.KANDHASAMY MOOLAIVAICKAL THOTTAM
KUMARALINGAM ROAD SENGALANIPUDHUR
MADATHUKULAM POST TIRUPPUR DISTRICT.PIN
CODE 642 113.
- 9 S.RAMAKRISHNAN
S/O.LATE S.R. SUBRAMANIYA GOUNDER SUGAR
MILL ROAD SENGALANIPUDHUR MADATHUKULAM
POST TIRUPPUR DISTRICT. PIN CODE 642 113.
- 10 P.DUR AISAMY
S/O. N.PALANI GOUNDER FARM HOUSE
SENGALANIPUDHUR MADATHUKULAM POST TIRUPPUR
DISTRICT.PIN CODE 642 113.
- 11 N.PALANI GOUNDER
S/O.NOT KNOWN FARM HOUSE SENGALANIPUDHUR
MADATHUKULAM POST TIRUPPUR DISTRICT.
PIN CODE 642 113. ... RESPONDENT IN WP NO.21299 OF 2019
- 1 THE COLLECTOR
THIRUVALLUR DISTRICT THIRUVALLUR
- 2 THE REVENUE DIVISIONAL OFFICER
PONNERI DIVISION PONNERI
- 3 THE TAHSILDAR
PONNERI TALUK PONNERI
- 4 THE RURAL DEVELOPMENT OFFICER
CHOZHAVARAM UNION CHOZHAVARAM
- 5 THE DISTRICT SUPERINTENDENT
OF POLICE THIRUVALLUR DISTRICT THIRUVALLUR

- 6 INSPECTOR OF POLICE
CHOZHAVARAM POLICE STATION CHOZHAVARAM
- 7 G.PALANI @ BALAIAH
S/O. LATE. GANESAN NO. 2/ 47 PERUMAL KOIL
STREET ARUMARUNTHAI MADHURA METTUPALAYAM
PUDUR POST PONNERI TALUK THIRUVALLUR
DISTRICT - 600067
- 8 R.KARTHIK
S/O. RAVI NO. 4/ 12 PERUMAL KOIL STREET
KOKKUMEDU PUDUR POST PONNERI TALUK
THIRUVALLUR DISTRICT - 600067
- 9 G.RAVI
S/O. GANESAN NO. 4/ 93 PERUMAL KOIL STREET
KOKKUMEDU PUDUR POST PONNERI TALUK
THIRUVALLUR DISTRICT - 600067
- 10 B.GOPI
S/O. BAKTHAVACHALAM PILLAIYAR KOIL STREET
PUDHUR KANDIGAI PUDUR POST PONNERI TALUK
THIRUVALLUR DISTRICT - 600067

... RESPONDENTS IN WP NO.21917 OF 2019

WP No.15304 of 2019

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent 1 to 4 to take necessary action against the illegal extraction of ground water without proper approval from authorities concerned at vacant land owned by respondent No. 5 which is situated at near Om Sakthi Hotel, Selliyyamman Koil Street, Gopurasanallur, Kattupakkam, Chennai 56 by considering representation dated 19.4.2019.

WP No.17384 of 2019

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to take action on the representation dated 28.5.2019 and 1.6.2019 made by the petitioner complaining that some individuals are indulging in illegal extraction of ground water within the time limit that would be stipulated by this Hon'ble Court.

WP No.18264 of 2019

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus Directing the

respondents 1 to 8 to take necessary action by restraining the respondents 9 to 11 from in any manner extracting ground water for distribution or sale from their lands at Gowrivakkam village, Sembakkam Municipality, Tambaram Taluk, Kancheepuram District and to initiate action against them for Illegal extraction of ground water for commercial purposes and for illegal usage of the Electricity service Connections by them.

WP No.19596 of 2019

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus Directing the Respondents 1 to 4 to take appropriate action against the Respondents 5 to 9 for illegally sucking the Ground water by Digging Illegal Borewells in the Lands in the Pidiarithangal village Banaveduthottam Panchayat Union, Poonamallee Post chennai-56 based on the Petitioners representation dated 12.6.2019

WP No.21299 of 2019

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus Directing respondents No.1 to 7 to take necessary action by restraining respondents No.8 to 11 from any manner extracting ground water for distribution or sale from their lands at No.88, Agrahara Kannadiputhur, 87 Sarkar Kannadiputhur which comes under jurisdictional village of Sengalaniputhur, Madathukulam, Taluk, Tiruppur District and to initiate appropriate action against them for illegal extraction of well water for commercial purpose and for illegal usage of free agricultural electricity service connection by considering petitioner representation dated 30/05/2019, 28/06/2019.

WP No.21917 of 2019

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus Directing the respondents 1 to 6, to take action to stop the water theft, committed illegally by the respondents 7 to 10, in Kokkumedu Village, Perungavoor Panchayat, Ponneri Taluk, Thiruvallur District, in accordance with law within a time frame as may be fixed by this Hon'ble Court.

For petitioner ... Mr.V.Manikandan (in WP.No.15304 / 2019)
... Mr.K.Venkatesan (in WP.17384/2019)
... Mr. S.V.Sugumar (in WP.No.18264/2019)
... Mr.K.Myilsamy (in WP.No.21299/2019)
... Mr. P.Raja (in WP.No.21917/2019)
... Mr.R. Janakiram(in W.P.19596/2019)
(for R1 to R4 in W.P.19596/2019)

For respondents... Mr.E.Manoharan, AGP (in all WPs)
assist by Mr.Akhil Akbar Ali
(for R1 to R3) (R1-5 &7 in WP.No.21299/19)

for R1 to R6 (in WP.No.21917/2019)
Mr.G.Janakiraman for R4 (in WP.No.15304/19)
Mr.UM.Ravichandran for R5 (in WP.No.15304/19)
Mr.K.Soundararajan
for R4 & R5 (in WP.No.17384/2019)
Mr.G.Janakiraman for R2 (in WP.No.18264/19)
Mr.C.Prabakaran for R9 (in WP.No.18264/19)
Mr. Rameshwar,TNEB - R6 (in WP.No.21299/19)
Mr.L.Chandrakumar (Advocate Commissioner)

COMMON ORDER

(Order of the Court was made by Subramonium Prasad,J)

These writ petitions highlight and bring out the illegal extraction of ground water for the purpose of sale in the State. In Writ petition No.17384 of 2019, the petitioner had sought for a Writ of mandamus for a direction to the respondents to take action on the representations made by him complaining about the illegal extraction of ground water.

2. On 20.06.2019, this Court after extracting various provisions of the Chennai Metropolitan Area Ground Water (Regulation) Act 1987, observed that when there are penal provisions in the said Act which empowers seizure and confiscation, why the authorities are not taking any action under the said Act. This Court therefore directed the District Collector, Chennai, Tahsildar, Alandur Taluk, and the Inspector of Police, Palavanthangal Police Station, to submit a report in the form of an affidavit as to what action has been taken against the violators. The respondents were also directed to state as to what action has been taken against the vehicles involved in transporting the illegally extracted ground water. The case is adjourned to 24.06.2019. On 24.06.2019, this Court directed the Collectors of Kancheepuram and Tiruvallur Districts to furnish the details of water suppliers registered with them and the vehicle numbers used for transportation.

3. In the meantime, WP.No.18264 of 2019, where again similar allegations were made regarding illegal extraction of ground water have been made was tagged with WP.No.17384 of 2019.

4. In WP.No.17384 of 2009 Inspector of Police, L&O, Palavanthangal Police Station filed a status report stating that he had conducted an inspection and found that there was no illegal tapping of ground water as alleged by the petitioner and extracted water was used only for household purpose and not for commercial purpose. The status report reads as under:-

"1. M. Nataraj, S/o. C. Mani aged about 43 years, working as Inspector of Police, S9-Palavanthangal Police Station do hereby solemnly affirm and sincerely state as follows:

2. I am well acquainted with the facts and circumstances of the case from the records available from this office. I am filing this status report.

3. The above said Writ Petition has been filed Praying for Issuance of Writ of Mandamus or any other appropriate Writ Order or direction in the nature of a Writ directing the Respondents to take actions on the Representation dated 28.05.2019 and 01.06.2019 made by the Petitioner complaining that some individuals are indulging in illegal extraction of ground water.

4. It is humbly submitted that, as per the orders of this Hon'ble Court dated 20.06.2019, this respondent has inspected the said premises and conducted a detailed enquiry and status report is filed in this regard.

5. It is humbly submitted that after conducting the inspection it is found that there is no illegal tapping of ground water as alleged by the Petitioner and the extracted water is used for household purpose and it is found that, it is not used for commercial purpose.

6. It is most humbly submitted that a Complaint was lodged against this petitioner by on Mrs. Y Vetrichelvi, along with the other residents of Govindaswamy Street on 16.06.2019 for which CSR was filed bearing CSR No. 265/2019 pending against the Petitioner has been complained to have created law and order problems (Copy of the Complaint is annexed herewith).

7. It is most humbly submitted that there is no violation and no illegal tapping of ground water was found in the said premises.

8. It is therefore humbly submitted that, as per the order of the Hon'ble High Court of Madras, the police officials are acting and if there is any offense witnessed in this regard. Action is being taken strictly in accordance with law."

5. In WP.No.18264 of 2019, it was submitted that nearly about 200 to 300 tanker lorries are engaged in collection and transportation of water tapped illegally. It was stated that the District Collectors of Kancheepuram and Tiruvallur districts have not registered the details of tanker lorries and water suppliers used by the industries or factories.

6. This Court on 01.07.2019, felt that the report given by the Inspector L&O, Palavanthangal Police Station is not a fair report. This Court therefore appointed Shri.L.Chandrakumar, Advocate as Advocate Commissioner, to inspect the places involved in the said WP numbers. Paragraphs 8 to 19 of the order dated 01.07.2019, read as under:-

"8. Mr.K.Venkatesan, learned counsel for the petitioner in W.P.No.17384 of 2019, submitted that affidavit of the Inspector of Police (L&O), S9 Palavanthangal Police Station, Chennai, does not state as to when inspection was made, whether he has enquired the land owners, viz., Mr.Soundararajan, Resident of No.41/2, 3rd Street, Poonthottam, Nanganallur, Chennai; Mr.Nagarajan (NR), No.C-34, 3rd Street, Poonthottam, Nanganallur, Chennai, Mr.Sundar, Kuppusamy Street, Nanganallur, Chennai; Mr.Elumalai, Kuppusamy Street, Nanganallur, Chennai and Mr.Yuvaraj, 3rd Street, Poonthottam, Nanganallur, Chennai, respectively. Affidavit does not contain any details of the water tankers, with Registration Nos.TN22CQ1065, TN09AA9097, TN20BX4952, TN22AL4720, TN48F0110, TN22F5980, TN02AH3402, TN02F5980 and TN22Q2377, and enclosed in the typed set of papers are not known.

9. Learned counsel for the petitioner in W.P.No.18264 of 2019, submitted that by putting up side bores, water is extracted by Mr.R.Ramesh; Mr.G.Prakash and Mr.Kumaraswamy/respondent Nos.9 to 11, respectively and nearly about 200 to 300 tanker lorries, are engaged for collection and transportation of water, tapped illegally.

10. Mr.Vijay Narayan, learned Advocate General, submitted that 300 villages in Kancheepuram and Thiruvallur Districts, are covered under the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987. He fairly admitted that the District Collectors of Kancheepuram and Thiruvallur Districts, have not registered the details of the tanker lorries and

water suppliers, hired or used by the industries or factories and others.

11. When, the Area Engineer XII, Chennai Metropolitan Water Supply and Sewerage Board, Alandur, Chennai, on behalf of Board, furnished a list of hired tanker lorries of various capacities, which are in operation in Chennai Metropolitan Water Supply and Sewerage Board in various Areas (Area-I to Area-XV) and when G.O.(Ms).No.142, Public Works (R2) Department, dated 23.07.2014, has been upheld by the learned Single Judge, in W.P.No.28535 of 2014, etc batch of writ petitions, on 03.10.2018, giving various directions, it is evident that the District Collectors, Kancheepuram and Thiruvallur Districts, have not taken any steps to register the details of tanker lorries involved in the said operation.

12. At this juncture, we deem it fit to observe that, non registration of the details of the lorry tankers, could only facilitate, such tankers, being employed by transporters, for even illegal purposes. Extraction of water from the borewells, could be for domestic purposes, there is always a possibility for selling the same by engaging water tankers. When natural resources, like water, sand and stones, are being exploited, in an organised manner, thereby, causing severe environmental problems, and when the Hon'ble Supreme Court has repeatedly issued directions stating that State is at obligation to preserved and conserved natural resources for the betterment of future generations and in the case on hand, when the State Government, have also found in several areas, ground water is critical, unfortunately, even after many directions issued by the Hon'ble Supreme Court, as well as this Court, District Collectors of Kancheepuram and Thiruvallur Districts, who are the authorities under the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987, have not taken steps to register the details of the lorry tankers, within the said districts. They are directed to do so immediately.

13. District Collectors, Kancheepuram and Thiruvallur Districts and Inspector of Police (L&O), S9 Palavanthangal Police Station, Chennai, who have been directed to submit a report, have not submitted the reports, which this Court takes serious note of.

14. Considering the seriousness of the allegations made by the petitioners in W.P.Nos.17384 and 18264 of 2019, and the alleged state of affairs in the abovesaid places, in the absence of the report by the District Collectors, Kancheepuram and Thiruvallur Districts and Inspector of Police (L&O), S9 Palavanthangal Police Station, Chennai, we deem it fit to appoint Mr.L.Chandrakumar, (Mobile No.9840101661) as Advocate Commissioner, to inspect the abovesaid places and submit a report as to whether ground water is being extracted and supplied for commercial purposes.

15. Learned Advocate Commissioner, is at liberty to get details of the owners of the vehicles, shown in the photographs, enclosed in page No.10 of the supporting affidavit in W.P.No.17384 of 2019.

16. Inasmuch as, G.O.(Ms).No.142, Public Works (R2) Department, dated 23.07.2014-, has been upheld in W.P.No.28535 of 2014, etc batch of writ petitions, District Collectors of all the districts, are hereby directed to register the details of tanker lorries, permitted to be used, in districts, for transportation of water.

17. District Collectors of all the districts, are directed to furnish the details of those who have been granted licence, for extraction/transportation of water, for commercial purposes.

18. State Government is directed to make notification in the press, directing tanker lorries to register themselves with the District Collectors. This Court, expects the State Government to act forthwith.

19. District Collectors of Chennai and Kancheepuram Districts, are directed to pay a sum of Rs.25,000/-, as initial remuneration, collectively and also bare the conveyance expenses. If District Collectors of abovesaid districts, do not render necessary assistance to this Court, then we would be constrained to issue appropriate directions against them, if required."

7. The learned Advocate Commissioner gave his report. The report reads as under:-

"REPORT OF THE ADVOCATE COMMISSIONER

I, L. Chandrakumar, S/o. Late C.P. Lakshmanaswamy, aged about 60 years, having office at No. 14, Sunkurama Street, 3rd Floor, Parrys, Chennai-1, do hereby state as follows.

1. I respectfully submit that on receipt of warrant of appointment appointing me as Advocate Commissioner vide order dated 01.07.2019 to inspect the places mentioned therein and to submit a Report, I along with my Assistants proceeded to conduct Spot Inspection in regard to the places where the alleged illegal extraction of ground water is said to have been extracted and supplied for commercial purposes.

2. Firstly on 5th July 2019, I had gone for spot inspection of the places mentioned in W.P.No. 17384 of 2019 filed by R.K. Ilayaraja. The photographs annexed to this Report with respective numbering will go to show that there are illegal extractions of ground water for commercial purposes has been regularly performed. Since the verification was relatable to illegal extraction, I took upon myself to go to the spot without intimation to any of the so called persons involved in the said illegal extraction, therefore on arriving at the spot and after due verification that it is and was the place where the illegal extraction of ground water was being done, I had enquired the residents and the neighbours in and around the said place and all of them (the names of the persons are detained by me) from being disclosed, as all of them came forward only if anonymity is maintained as because when they raised their little finger during earlier occasion it was the Inspector of Police Mr.Nataraj who had gone to the extent of threatening these persons that he will see to that it will be their end if the perpetuation of illegal extraction of water for commercial purposes is not allowed.

3. It is also the Statement and Report of these neighbours that it was under the direct supervision of the Inspector of Police, Pazhavanthangal along with one Mr. Shanker another Inspector attached to the (I.S) Wing that from the commencement of Govindaraj Street,

in which the 1st house where the illegal extraction commences is that of S. Manibharathi and Muthu followed by Javed which is followed by N.R Nagarajan, Soundarajan, and thereafter the street takes a left turn known as 'Govindaswamy Street' and dashes against Atlas Car Wash, which on the left side is that of Elumalai's House and that on the right side is Sundar's house as far as Elumalai's house and Sundar's house are concern, the photographs will go to show that consequent upon this Hon'ble Court directing the Advocate Commissioner to verify and submit a report it seems, that in the presence, the above said Inspector of Police, the protruding pipes were directed to be cut and plastering of the water supply hole wherein and whereby the empty water Tanks were filled, where all plastered and painted so as to match as if there was no such illegality but a mere look of the photographs will go to show that everything has been made and done only recently and the leakage is also evident as far as Elumalai and Sundar houses are concerned. In regard to Soundarajan's house is concerned, I was not able to go inside as enquiries in and around revealed that the assistance of Inspector who is hand in glove with these persons(as evident from the FALSE AFFIDAVIT SWORN TO BY HIM THAT NO SUCH ILLEGAL TAPPING OF GROUND WATER) as per status report of the 9th Respondent.. Mr.NATRAJ, Inspector of Police, S9-Palavanthangal Police Station)) even though court permitted to take assistance, may not serve any purpose as because the Inspector has been fully taken care of for these type of illegalities to the maximum i extent and the illegal gratis which has been obtained by the said Inspector is such ('disproportionate that all of them would jointly stoop to any level and therefore for fear pf life, the Advocate Commissioner with the permission of the neighbour took photographs by going to the open terrace and a cursory glance of the photographs would go to show that on the open terrace of Soundarajan's house there where as many as 7 Syntex Overhead Tanks. In so far as Manibharathi, Muthu, N.R Nagarajan are all concerned, it gave a deserted look and cut bushes were strewn so that the bore pipes were not easily identifiable.

4. Yet another important as well as shocking factor is that one of the family member's child who had addressed the complaint to the police was hit by a car and was threatened that serious consequences would

follow, and another person was to be axed with crowbar. To all these happenings, the above said Inspector was a mute spectator as per their statement and in also joining hands with these hooligans and henchmen of these persons who have doing illegal extraction of water for commercial purposes and is minting money parting consolidated amount to the Inspector of Police. It is also further learnt the all the houses are without any planning permission and constructed in the Government Poramboke land which the Revenue authority may be directed to verify.

5. Further, the Inspector Mr. Natraj, from his mobile (9498145440) called me at about 2.00 pm on 06 July 2019 and said that how can I inspect in his absence, when the court had said to take his assistance, which exhibits that no useful purpose would serve since the discreet had also been made known to him. Thus the above Report is submitted to the limited extent of submission of Inspection and the Report thereto about the illegal extraction of water for commercial purposes in the places mentioned and identified by me with necessary photographs taken at the respective sites.

6. I further submit that after completion of the spot Inspection and in regard to the assignment accorded to me, on the hold of Advocate commissioner had complied with the High Court's directives and hereby return the warrant after the execution.

Therefore it is respectfully prayed that this Hon'ble court may be pleased to record this report and pass such other orders as this Hon'ble court may deem fit and proper in the above Writ Petition and thus render Justice."

8. Since the report of Advocate Commissioner was directly in variance with the status report, we found that the report filed by the Inspector, L&O, Palavanthangal Police Station, did not reflect the correct picture. The photographs filed by the Advocate Commissioner showed seven overhead sintex tanks each having a capacity of 6000 ltrs. Obviously, the extraction of water could not be for domestic purposes. This Court therefore directed the Commissioner of Police, Greater Chennai, to conduct an impartial enquiry regarding the status report filed by the said Inspector. Paragraphs No.14 to 25 of the order dated 11.07.2019, read as under:-

" 14. We have gone through the reports submitted by the learned Advocate Commissioner and the Inspector of Police (L&O), S9 Palavanthangal Police State, Chennai. Prima facie, we find that the report filed by the Inspector of Police (L&O), S9 Palavanthangal Police State, Chennai, is not supported by any documents and does not reflect the ground reality and truth, whereas, the reports filed by learned Advocate Commissioner in W.P.No.18264 of 2019, are substantiated by averments and photographs, enclosed along with the reports.

15. From the averments and material on record, we could deduce that in an agricultural land, a well has been put up, water is extracted through pipes by using a motor pump, using free electricity service connection given for agricultural purpose.

16. Status report of Mr.M.Nataraj, Inspector of Police (L&O), S9 Palavanthangal Police Station, Chennai, prima facie does not reflect truth.

17. According to the Inspector of Police, water is used for household purposes and not for commercial purposes. Going through the reports of the learned Advocate Commissioner, and photographs enclosed, and at paragraph No.5 of the report dated, 11.07.2019, learned Advocate Commissioner, has stated that he was contacted by the Inspector of Police, over phone, and asked as to how he can inspect, without his presence.

18. Prima facie, we hold that Inspector of Police (L&O), S9 Palavanthangal Police Station, Chennai, has no jurisdiction to question the authority of the learned Advocate Commissioner. If it is only for using household purposes, there is no need to have 7 Syntex Overhead Tanks, which according to Mr.L.Chandrakumar, learned Advocate Commissioner, each has a capacity of 6000 liters of water.

19. Averments and supporting materials, in the reports of the learned Advocate Commissioner in W.P.No.17384 of 2019, requires to be enquired by the head of the department, namely, Commissioner of Police, Greater Chennai. Therefore, we direct the Commissioner of Police, Greater Chennai, to cause an impartial enquiry as regards the report of the Inspector of Police (L&O), S9 Palavanthangal Police Station, Chennai. Orders of the Court, would be implemented in the letter and spirit.

20. There is prima facie material, indicating commission of offences, in illegal tapping of water, storage and disbursement for commercial purposes. Stringent action has to be taken against who are involved, in the commission of offences and abetting, if required, on the departmental side, as well.

21. Revenue Divisional Officer, Ponneri, Thiruvallur District, has submitted a list of vehicles with the names of respective owners. List contains 61 names and they have been imposed with a fine of Rs.2,000/- under Section 10 of the Chennai Metropolitan Area Ground Water (Regulation) Act, 1987.

22. Learned Additional Government Pleader, is directed to get the details of the vehicles involved for the second time.

23. So far, Tahsildar (i/c), Tambaram, fifth respondent in W.P.No.18264 of 2019, has not seized the vehicles, which he has prima facie recorded, as engaged in transportation of water.

24. On 01.07.2019 in W.P.Nos.17384 and 18264 of 2019, among other things, at paragraph Nos.17 and 18, we recorded as hereunder:-

"17. District Collectors of all the districts, are directed to furnish the details of those who have been granted licence, for extraction/transportation of water, for commercial purposes. 18. State Government is directed to make notification in the press, directing tanker lorries to register themselves with the District Collectors. This Court, expects the State Government to act forthwith."

25. Action taken on the directions issued, should be submitted on 22.07.2019."

9. The Commissioner of Police, Mr.A.K.Viswanathan I.P.S., Conducted an enquiry and gave an enquiry report dated 20.07.2019, the said report reads as under:-

"ENQUIRY REPORT FILED BY TR.A.K.VISWANATHAN, IPS., COMMISSIONER OF POLICE, GREATER CHENNAI POLICE

I, Tr.A.K.Viswanathan, IPS., presently working as Commissioner of Police, Greater Chennai Police do hereby solemnly affirm and sincerely state as follows:

I am filing this enquiry report in compliance with the directions of the Hon'ble High Court of Madras in W.P.Nos.17384, 15304 and 18264 of 2019 and W.M.P.No.17623 of 2019, based on the available records and field enquiry conducted on 13.07.2019.

1. It is submitted that the petitioner Tr.R.K.IIayaraja, S/o Kathirvelu, aged 31, No.12/13, Muthamil Street, B.V.Nagar, Nanganallur, Chennai -91 filed a Public Interest Litigation petition in Writ Petition No. 17384/2019, with an intent to protect ground water in and around Nanganallur, Palavanthangal and other surrounding areas and prayed to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the respondents to take action on the representation dated 28.05.2019 and 01.06.2019 made by the petitioner, complaining that some individuals are indulging in illegal extraction of ground water.

2. It is submitted that the Hon'ble High Court directed in its order dated 20.06.2019 in WP No.17384 of 2019 that the respondents are to submit a report in the form of an affidavit, duly supported by documents as to what action has been taken against the alleged violations. In this regard the 9th respondent / Inspector of Police, S9 Palavanthangal Police Station filed a affidavit on 24.06.2019 stating that "after conducting the inspection it is found that there is no illegal tapping of ground water as alleged by the petitioner and the extracted water is used for household purpose and it found that it is not used for commercial purpose". Further on the direction of this Hon'bble Court, the Advocate Commissioner, appointed by the Hon'ble High Court filed a report after filed verification.

3. It is further submitted that based on the report of Advocate Commissioner, the Hon'ble High Court directed the Commissioner of Police, Greater Chennai Police to cause an impartial enquiry with regard to the report of the Inspector of Police, Law & Order, S9 Palavanthangal PS.

4. It is submitted that as ordered by the Hon'ble High Court of Madras the Commissioner of Police, Greater Chennai Police visited the spot on 13.07.2019 and conducted an enquiry with the local residents. The Residents were informed to be open and to come forward, without any fear or apprehension,

with any information they may have in this regard. According to the statements of local residents, it is true that the ground water was extracted illegally for the past few years by Tr.Soundararajan, Tr.Javid, Tr.Manibharathi, Tr.Elumalai, Tr.Nagaraj, Tr.Yuvraj and Tr.Sundar. One of the resident Tmt. Selvi Gopinath stated that the persons who illegally tapped the ground water threatened her and one of the above, Mr. Yuvaraj also happens to be her relative. She also stated that she did not prefer any complaint to the police station so far. The residents who have been enquired stated that they have not preferred any complaint to the police station so far with regard to illegal tapping of water by the above said persons. But they have said that in this regard that they represented this issue before the Corporation and Metro Water Officials and thereafter the Water connection was also cut for a brief period of time. They further stated that the above said persons stopped illegal tapping of ground water for the past 2 months after the petitioner Tr. llayaraja filed the writ petition before the Hon'ble High Court. No residents have stated that Tr.Nataraj, Inspector of Police threatened them by colluding with the above persons, who had extracted ground water illegally, by obtaining illegal grafts.

5. It is further submitted that the enquiry reveals that it is true that the illegal extraction of ground water was done by Tr.Soundararajan, Tr.Elumalai, Tr.Nagaraj, Tr.Yuvaraj and Tr.Sundar for few years and they stopped illegal extraction of ground water for past 2 months after the petitioner Tr.llyaraja filed writ petition before the Hon'ble High Court of Madras. On inspection of the residence of the persons who illegally tapped ground water, there is no tapping of ground water at present and no vehicle was found in that area. Enquiry further reveals that no complaint was preferred by the local residents to the police station against the persons who illegally extracted the ground water and no resident stated that the Tr. Nataraj, Inspector of Police threatened the local residents in support of persons who illegally extracted the ground water. It is noted that Tr.Nataraj, Inspector of Police submitted a report before the Hon'ble High Court of Madras stating that there is no illegal tapping of ground water as alleged by the petitioner and

extracted water is used for house hold purpose. The Inspector should have mentioned the above details that the above persons had earlier extracted but had stopped after the petitioner filed the writ petition before the Hon'ble High Court and for that reason the Report of the Inspector was incomplete and vague.

6. It is further submitted that Inspector Nataraj was enquired regarding alleged allegations against him in the report submitted by the Advocate Commissioner that he had collusion with the perpetrators for extracting ground water illegally and whether he has quesnuncu the Advocate Commissioner while visiting the area for verification. On enquiry it is revealed that there is no collusion with the perpetrators by Inspector of Police, S9 Palavanthangal PS. Regarding the enquiry on the other allegation, it is seen that though Tr. Nataraj, Inspector of Police denied the allegation that he questioned the Advocate Commissioner that how can the Advocate Commissioner inspect in his absence when the Court had instructed him to take his assistance, it is nevertheless true that Tr.Nataraj, Inspector of Police, S9 Palavanthangal PS had indeed spoken with the Advocate Commissioner appointed by the Hon'ble High Court of Madras on 06.07.2019 at 14:35 hrs for a duration of 12 seconds on the first call and 49 seconds on the second call. The action of Tr. Nataraj, Inspector of Police, S9 Palavanthangal PS calling the Advocate Commissioner, appointed by the Hon'ble High Court of Madras, on his own accord is not an acceptable one. Hence, necessary disciplinary action will be initiated against Tr.Nataraj, Inspector of Police, S9 Palavanthangal Police Station for intervening in the work of the Advocate Commissioner and filing incomplete and unclear Report before this Hon'ble court.

7. It is further submitted that a circular memorandum was issued to all the officers of Greater Chennai Police with instructions to take necessary action in illegal tapping of water, storage and disbursement of the same for commercial purpose according to law in liaison with the concerned Revenue Authorities. The Collectors of Chennai, Thiruvallur and Kanchipuram have also been requested by the Police Department to liaise with them to trace and take action on illegal water extractors. Copies of the circular memorandum, letters addressed to the District

Collectors and the photograph.

8. Hence, I humbly submit that this Hon'ble Court may accept this report and pass necessary orders as deemed fit and render justice."

10. This Court in an order dated 22.07.2019, dealt with the report of the Commissioner of Police and observed as under:-

"3. Commissioner of Police, Greater Chennai, in his Report dated 20.7.2019, stated that he has visited the site on 13.7.2019 and conducted an enquiry with the local residents. According to him, it is true that ground water was extracted illegally for the past few years by Tr.Soundararajan, Tr.Javid, Tr.Manibharathi, Tr.Elumalai, Tr.Nagaraj, Tr.Yuvaraj and Tr.Sundar. According to him, Tmt.Selvi Gopinath, a resident, stated that one of the persons, namely Mr.Yuvaraj, who illegally tapped the ground water, is her relative. However, she did not prefer any complaint to the police. Residents who were enquired, stated that they have not preferred any complaint to the police station, so far with regard to illegal tapping of water by the above said persons, but they have represented the issue before the officials of Greater Chennai Corporation and Metro Water. Water connection was cut for a brief period.

4. Commissioner of Police, Greater Chennai has further averred that those examined by him, have stated that Tr.Soundararajan and others stopped illegal tapping of ground water, two months, after the filing of the writ petition. No residents have stated that Tr.Nataraj, Inspector of Police, has threatened them by colluding with the above persons, who had extracted ground water illegally. Though, at paragraph No.4 of the Enquiry Report, the Commissioner of Police, Greater Chennai, has stated that there was illegal extraction of water by seven persons, but at paragraph No.5 of the affidavit, he has mentioned only five persons, namely Tr.Soundararajan, Tr.Elumalai, Tr.Nagaraj, Tr.Yuvaraj and Tr.Sundar. Beyond the scope of the direction given by us, the Commissioner of Police, Greater Chennai, has given a clean chit to the Inspector of Police, that he is not in collusion with the perpetrators of extraction of groundwater illegally.

5. The Commissioner of Police, Greater Chennai, at paragraph No.6 has observed that disciplinary

action will be initiated against Thiru.Nataraj, Inspector of Police, for intervening the work of the Advocate Commissioner and filing incomplete and unclear report before this court. Supporting the above conclusion, at paragraph No.4 of the Enquiry Report, he has stated that the Inspector of Police should have stated that the above persons had earlier extracted water, but stopped after the filing of the writ petition.

6. Attention of this court was also invited to the First Information Report registered in Crime No.241/2019 dated 19.7.2019 on the file of S9, Pazhavanthangal Police Station, arraigning M/s.Nagaraj, Sundar, Ezhumalai, Yuvaraj and Selvaraj as accused, whereas, the Commissioner's Report states seven persons, were involved in illegal extraction of ground water. The persons who are named in the first information report, are stated to be the owners of the lorries engaged in transportation of illegally tapped water. There is no reason as to why the Inspector of Police has not registered any First Information Report against Mr.Soundararajan, Javid and Manibharathi, named in the enquiry report. Though, Mr.E.Manoharan, learned Additional Government Pleader submitted that the report of the Commissioner of Police, Greater Chennai, is impartial and independent, taking note of transgression of the Commissioner of Police, beyond the scope of the enquiry ordered by us, and going through the photographs submitted by the learned Advocate Commissioner, and comparing the same with the photographs taken at the time, when Commissioner of Police, Greater Chennai, inspected the subject place, we request the presence of the learned Advocate General, State of Tamil Nadu for further directions.

7. Mr.PL.Narayanan, learned senior counsel submitted that, one of the lorry owners, who has been transporting water, for supply of the same, has entered into contracts with Government and Public Sector Undertakings and that, he has been doing so with the blessings of the Government for 15 years. He has categorically submitted that permission to extract water has not been obtained from the competent authority. He seeks permission to implead himself as party respondent. Permission is granted to file a petition.

8. Mr.E.Manoharan, learned Additional Government Pleader further submitted that insofar as W.P. No.17384 of 2019 is concerned, five vehicles have been seized and insofar as W.P. No.18264 of 2019 is concerned, two vehicles have been seized."

11. A further report was filed by the Commissioner of Police on 24.07.2019, which reads as under:-

"FURTHER REPORT FILED BY THE COMMISSIONER OF POLICE

I, A. K. Viswanathan IPS, presently working as Commissioner of Police, Greater Chennai Police do hereby solemnly affirm and sincerely state the following:

I respectfully submit that I had, based on the Order of the Hon'ble High Court conducted a preliminary enquiry, on 13.06.2019, pertaining to the veracity/details of the Affidavit filed by the 9th Respondent, Inspector of Police, S9 Palavanthangal Police Station and filed an Enquiry Report.

At the outset I would most respectfully submit that my sole endeavour and attempt was only to ascertain the motive and veracity of the Affidavit filed by the Inspector of Police, S9 Palavanthangal Police Station (Mr. Nataraj), as mandated by the above Order of the Hon'ble Court. I reiterate that it was never an attempt to re-enquire into the Report filed by the Advocate Commissioner. Before proceeding further I submit that it was never my intention to exceed the mandate directed to me by the Hon'ble Court and for that reason I humbly submit the following for the due consideration of this Hon'ble Court:

1. The statement made in the my Report regarding the non-tapping of ground water by the perpetrators for a period of 2 months, was not an finding on my behalf or a Counter/rebuttal to the observations of the Advocate Commissioner but a mere observation or recording of the statements made by the General Public in the said area. I submit that I had visited the site and interacted with the public, again not to re-enquire into the findings of the Advocate Commissioner, but to ascertain if the Status Report of the Inspector of Police, S9 Palavanthangal Police Station, was correct.

During my interaction with the public oral and written statements were given by them to this effect i.e., regarding non tapping of ground water for past 2 months and this statement was recorded by me in my Report. It is only a reproduction of the public's statement and not a finding on my behalf. In this regard I most humbly submit and request that the statements, both oral and written, given by the public and submitted by me before the Hon'ble Court along with my earlier Report be perused.

2. The sentence in my Report regarding non collusion between the Inspector of Police, S9 Palavanthangal Police Station and the perpetrators was again not a rebuttal or Counter to the findings of the Advocate Commissioner. In order to ascertain the contents of the Status Report of the Inspector of Police, S9 Palavanthangal Police Station, I interacted with the public. The public during their interaction had stated that there was no threat from the Inspector of Police, S9 Palavanthangal Police Station. There was also no statement from the public regarding any collusion between the Inspector and the perpetrators. This was what was recorded in my Report and the same is not a finding or a clean chit given on my account to the Inspector of Police, S9 Palavanthangal Police Station. In this regard I most humbly submit and request that the statements, both oral and written, given by the public and submitted by me before the Hon'ble Court along with my earlier Report be perused.

3. I respectfully submit that notwithstanding the same I have gone into the veracity of the Report of the Inspector of Police, S9 Palavanthangal Police Station and on the basis of the statements made by the public, the Report of the Advocate Commissioner and my inspection of the site/situation ascertained that there appears to be, on preliminary enquiry, a commission of offence of groundwater extraction and that in this regard the Report of the Inspector of Police, S9 Palavanthangal Police Station is not correct. I humbly submit that the statement made in my Report "that the Report was incomplete and vague" was in reference to the Inspector's Status Report. I reiterate that the same ought to have been worded properly and the intention that I wanted to convey was that the Status Report of the Inspector was misleading and incorrect.

4. I humbly submit that at the time of my preliminary enquiry I had sought to restrain my exercise to find out about the veracity of the Status Report of the Inspector. The photos, recordings of statements etc., taken were for this purpose. Nevertheless the same has also been used for taking action in accordance with law.

5. I humbly submit that for submitting a false and misleading report and also for interfering with the duty of Advocate Commissioner, I have directed departmental action to be taken on the Inspector and accordingly the Inspector of S9 Palavanthangal Police Station, Mr.Nataraj has been placed under suspension.

6. I humbly submit that taking note of the above and the Reports of the Advocate

Commissioner direction has been given for taking action and FIR has been filed and the vehicles, used for transport of illegally extracted groundwater have been seized and also FIR has been filed against the perpetrators/ the owners of the premise and the Motor which was used for such illegal extraction. In fact I have also given instructions to take action on the threat received by one Mrs. Selvi, who was among one of the public I interacted with. I have also directed to enquire, subject to the permission of the Hon'ble Court, into why no complaint was submitted from the public when illegal extraction, according to them, was going on for 2 years.

Finally I humbly reiterate that it was never my exercise to re-enquire on the Advocate Commissioners Report. I humbly submit the above details are submitted to dispel the notion that there was re-enquiry or attempt to exceed the mandate directed to me by the Hon'ble Court. I submit I have the utmost respect and regard for the Orders of the Hon'ble Court and am honoured for the faith reposed on me to enquire into the matter at the directions of the Hon'ble Court and hope that the above submissions would be considered to ascertain my true intention."

12. At this juncture, it is also pertinent to mentioned that the Tahsildar, Poonamallee, and the Sub-Collector, Tiruvallur filed their respective reports bringing out the actions taken by them in this matter, which reads as under:-

"STATUS REPORT FILED BY THE TAHSILDAR,
POONAMALLEE

I K.Punithavathi W/o. S. A Raj an, Hindu aged about 46 years

Tahsildar, Poonamallee residing at Tahsildar's Quarters at Poonamallee do hereby solemnly affirm and sincerely state as follows.

1. I am the 3rd respondent herein and I am well acquainted with the facts and circumstances of the case from the records. I am filling this status report.

2. It is humbly submitted that, in obedience to the orders of the Honhble Court orders dated 12.07.2019, the illegal tapping of waters has been stopped in the land in Survey No.65/1, 65/2, 86/1A6, 67/1, 68/1, 106/1A1A 150/2 and 87 Pidarithangal and Kolappanchery Villages by sealing 17 taps and illicit tapping has been completely stopped on 18.07.2019 and seized the electrical Motors and other apparatus used for extraction of water on 19.07.2019 and a compliant has been lodged to the Inspector of Police, Poonamallee and Vellavedu Police Station against the respondents 5 to 9.

I humbly pray that, the Hon'ble court may be pleased to pass suitable orders and thus render justice."

STATUS REPORT FILED BY SUB COLLECTOR, TIRUVALLUR

I D.Rathna W/o. Dr.H.Gopal, Hindu aged about 49 years Sub Collector, Tiruvallur residing at Sub Collector, Quarters at Tiruvallur do hereby solemnly affirm and sincerely state as follows.

1. I am the Sub Collector, Tiruvallur Division, Tiruvallur herein and I am well acquainted with the facts and circumstances of the case from the records. I am filling this status report.

2. It is humbly submitted that, the Petitioner had filed this Writ Petition with a prayer seeking for to issue a writ order or direction in the nature of writ of mandamus or any other appropriate writ order or direction, directing the respondent 1 to 4 to take appropriate action against the respondents 5 to 9 for illegally sucking the ground water by

digging illegal borewells in the lands in the Pidarithangal Village, Banaveduthottam Panchayat Union, Poonamallee, Chennai - 600056 based on the petitioner's representation dated 12.06.2019 and pass such further or other orders as this Hon hie Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

3. It is submitted that, the Honhle Court has pleased to pass following orders on 12.07.2019.

"District Revenue Officer, Tiruvallur Division, Tiruvallur and Tahsildar, Poonamallee Taluk, Tiruvallur, respondents 2 and 3 are directed to cause inspection in Pidarithangal Village, Banaveduthottam Panchayat Union Poonamallee alleged business place of respondents 5 to 9 and in the event of contravention of Chennai Metropolitan Area ground water (Regulation) act 1987 and rules, framed there in G.O. (Ms). No. 52 Public Works (R2) Department dated 02.03.2012 and G.O.(Ms).No. 142, Public Works (R2) Department dated 23.07.2014, take action seize the electrical motor, apparatus used for extraction of water, as well as vehicles used for, transportation and distribution, forthwith.

Action taken report by 17.07.2019 "

4. It is humbly submitted that, I have great respect to the orders and directions issued by the Hon hie Court and never disobeyed the orders of the Hon hie Court either intentionally or unintentionally. I hereby tender my un conditional apology to this Honhle Court.

5. In obedience to the orders of the Honhle Court orders dated 12.07.2019, the illegal tapping of waters has been stopped in the land in Survey No.65/1, 65/2, 86/1A6, 67/1, 68/1, 106/1A1A 150 2 and 87 Pidarithangal and Kolappanchery Villages by sealing 17 taps and illicit tapping has been completely stopped on 18.0". 2019.

Thus the 3rd respondent or myself have no wanted disobedience of Hon'ble Court orders and there is no hesitate to curb the illicit tapping of water.

There have been general complaints received from the public about the illicit transportation of water

through tankers. I along with the 3rd respondent arranged a massive raid wherever needed with the help of Police protection and Block Development Officer, Poonamallee and dismantled 130 deep bore wells and 34 motors and deep bore wells and 34 motors and apparatus have been seized and handed over to the Block Development Officer, Poonamallee for taking further action.

This is also published in dailies Tamil "Malai Malar and "Thina Thanthi".

This massive raid was conducted sincerely without any hesitation even though there has been some resistance and agitation. These massive raid have been conducted in the following Villages.

S.No	Name of the Villages	No. of Illicit Borewell Seized
1	Ayanambakkam	5
2	Koladi	2
3	Perumalagaram	4
4	Chembarambakkam	6
5	Thirumazhisai	6
6	Madavilgam	5
7	Kuthambakkam	7
8	Sennerkuppam	75
9	Kattupakkam	20
	Total	130

6. It is humbly submitted that, in view of the aforesaid actions taken against the offenders of illicit tapping of water, I submit that there is no willful or wanton disobedience to the Honble Court orders by the respondents. Thus it is humbly prayed that the respondents may kindly be pardoned.

Therefore for the forgoing reasons stated, it is prayed that the Honble court may be pleased to pass suitable orders and thus render justice."

13. The Government has enacted the Chennai Metropolitan Area Ground Water (Regulation) Act 1987 (herein after called as the Ground Water Regulation Act). The statement of object and reasons read as under:-

"There is often acute scarcity of water in the Madras city due to consecutive failure of monsoon rains. The available water in the poondi, Cholavaram and Red Hills reservoirs which are situate in the Chengalpattu District and which are the main sources of supply of water to the Madras city is inadequate to meet the requirements for drinking and other domestic purposes. The United Nations Mission which investigated the possibility of supplementing water supply to the Madras city had recognised that a better economic answer might lie in the development of groundwater potential and had identified the Minjur, Duranallur-Panjetti and Tamaraipakkam- Kilanur well fields in the Arni-Korteliyar basin, the Poondi, Korteliyar Flood Plains and Kannigaiper aquifers and also Poonamallee-Porur aquifer in Cooum-Adayar basin as having groundwater for extraction. The United Nations Development Programme which also conducted preinvestment studies on improving water supply and sewerage system of Madras City concurred with the estimation of the Geological Survey of India that groundwater can be extracted from the twenty kilometre stretch of the coastal zone between South Madras and Kovalam. The Madras Metropolitan Water Supply and Sewerage Board has reported that all other possibilities of augmenting water supply to the Madras City have been exhausted and that it is necessary to regulate and control the extraction and use of groundwater in any form and to conserve the same in the City of Madras and certain revenue villages in the Chengalpattu District and to regulate and control the transport of groundwater. Further, there is indiscriminate extraction of groundwater, by industries and by private individuals and no authority has, at present, powers to regulate and control such extraction of groundwater.

2. The Government have, after careful examination of all aspects, decided that it is necessary in the public interest to regulate and control the extraction and use of groundwater in any form and to conserve groundwater in the scheduled area and also to regulate and control the transport of groundwater in such area. Further, for the effective implementation of the proposed Act, it has also been decided to make necessary provision for regulating the sinking of well in the scheduled area.

3. The Bill seeks to give effect to the above decisions."

14. A perusal of the object and reason of the Ground Water Regulation Act, would show that this Act was brought about to regulate and control the extraction, use or transport of ground water in the city of Chennai and in the villages specified in the schedule, which fall within the districts of Kancheepuram and Tiruvallur. Sections 3, 4, 5, 5A, 6, 7, 8, 10, 11, 12, 12A, 12B, 12C, 12D, 12E, 12F, 13 of the Act are extracted:

"3. Grant of permit to sink well in the scheduled area. - (1) Notwithstanding anything contained in any law for the time being in force, no person shall sink a well in the scheduled area unless he has obtained a permit in this behalf from the competent authority.

(2) Any person desiring to sink a well in the scheduled area shall apply to the competent authority for the grant of a permit for this purpose and shall not proceed with any activity connected with such sinking unless a permit has been granted by the competent authority.

(3) Every application made under sub-section (2) shall be in such form and contain such particulars as may be prescribed [and shall be accompanied by such fee not exceeding two hundred and fifty rupees as may be prescribed].

(4) On receipt of an application under sub-section (2), if the competent authority is satisfied that it shall be in the public interest so to do, it may-

(a) grant, subject to such terms, conditions and restrictions as may be specified, a permit authorising the sinking of well: [* * *]

[Provided that the competent authority, while granting the permit may, after having regard to the hydro-geological conditions, water table conditions, groundwater potential and yield of the aquifer, restrict the depth of the well; or]

(b) refuse to grant a permit:

Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the competent

authority to the applicant within such period as may be prescribed.

(6) In granting or refusing to grant permit under subsection (4), the competent authority shall have regard to the following matters, namely:-

(a) the purpose or purposes for which the well is to be sunk;

(b) the existence of other competitive users;

(c) the existence of other wells in the locality;

(d) the availability of groundwater;

[(e) the existence of other sources of water other than wells compatibility;]

(f) the compatibility with the existing water resources;

(g) the factors that affect, control or prevent pollution;

(h) the possibility for rain water harvesting and conservation;

(i) such other matter as may be prescribed.

(7) The permit shall be in such form as may be prescribed.

4. Registration of existing wells and use of groundwater in scheduled area. - (1) The competent authority shall, within such time as may be prescribed, prepare and maintain a register showing,-

[(a) the number of wells that were in existence in the scheduled area immediately before the date of commencement of this Act;]

(b) the use of groundwater in the scheduled area for agricultural purposes immediately before the date of commencement of this Act;

(c) the number of wells from which water is extracted for domestic purposes;

(d) the number of wells from which water is extracted for industries, automobile service centres, multipurpose halls and other commercial centres;

(e) the number of water sources both public and private.

(2) Every register prepared and maintained under subsection (1) shall contain the following particulars, namely:-

- (i) the type of well and its exact location;
- (ii) the device used for lifting the groundwater;
- (iii) the date from which the groundwater is being used;
- (iv) the purpose, or purposes for which the groundwater is being used;
- (v) the quantity of groundwater utilised;
- (vi) the extent, location and the survey number of the area where ground-water is used for agricultural purposes;
- [(vii) the details of the methods adopted for groundwater conservation and rain water harvesting;
- (viii) the quality of water with scientific evidence;
- (ix) such other matter as may be prescribed.]

(3) The competent authority shall, as soon as may be after the preparation of the register under sub-section (1) and in any case not later than such time as may be prescribed, cause to be published in such manner as may be prescribed,-

(i) in the case of revenue village specified in the Schedule, at convenient places in the revenue village itself; and

(ii) in relation to other areas, at such places as may be prescribed;

an extract from the said register in so far as the entries in the said register relate to the revenue village or to other area concerned.

(4) (a) Where, upon the publication of the extracts under sub-section (3), any land owner or occupier having an interest in any land situate in the scheduled area [or any other person] is aggrieved by the non-inclusion of the particulars as to the existence of any well or the use of groundwater for agricultural purposes in relation to any such land, or by the inclusion of incorrect particulars relating thereto, he shall make an application to the competent authority within such time and in such manner as may be prescribed [and shall be accompanied by such fee not exceeding two hundred and fifty rupees as maybe prescribed] for inclusion, or, as the case may be, for modification of the particulars relating to such land as entered in the said register:

Provided that the competent authority may, in its discretion, allow such further time as may be prescribed for making any such application, if it is satisfied that any [owner, occupier or other person] referred to in this clause had sufficient cause for not making the application in time.

(b) Upon receipt of an application under clause (a), the competent authority shall, after making such enquiry as he may deem fit, [pass an order in writing, within such time as may be prescribed, including or refusing to include or modifying or refusing to modify] the particulars relating to such land in the register:

[Provided that no order under this clause refusing to include or modify the particulars shall be passed unless the applicant has been given an opportunity of being heard.]

(5) The competent authority shall, upon application made by the owner or the occupier of the land concerned, furnish an extract relating to his land in respect of which entries have been made in the said register [on payment of such fee not exceeding two hundred and fifty rupees as may be prescribed.]

5. Licence for extraction, use or transport of groundwater. - (1) Notwithstanding anything contained in any law for the time being in force and subject to the provisions of sub-sections (2) to (7), on and from the date of commencement of this Act,-

(a) no person shall extract or use groundwater in the scheduled area for any purpose other than domestic purposes;

(b) no person shall transport groundwater by means of any lorry, trailer or any other goods vehicle.

(2) If any person desires to,-

(i) extract or use groundwater in the scheduled area for any purpose other than domestic purposes; or

(ii) transport groundwater by means of any lorry, trailer or any other goods vehicle,

then, he shall make an application to the competent authority for the grant of a licence for such extraction, use or transport.

(3) Every application under sub-section (2) shall be made in such form and in such manner and within such

period and shall contain such particulars as may be prescribed [and shall be accompanied by such fee not exceeding five thousand rupees as may be prescribed].

(4) On receipt of an application under sub-section (2), if the competent authority is satisfied that it shall be in the public interest so to do, it may-

(a) grant, on payment of such fees as may be prescribed and subject to such terms, conditions and restrictions as may be specified, a licence authorising-

[(i) the extraction or use of groundwater for any purpose other than domestic purposes; or]

(ii) the transport of groundwater by means of lorry, trailer or any other goods vehicle; or

(b) refuse to grant a licence:

Provided that no person shall be refused a licence unless he has been given an opportunity of being heard:

Provided further that where the competent authority to whom an application is made under sub-section (2), fails to inform the applicant of its decision on the application within a period of ninety days from the date of receipt of such application, the licence shall be deemed to have been granted to the applicant and such person shall, for the purposes of this Act, be deemed to be a holder of a licence.

(5) In granting or refusing a licence under this section, the competent authority shall have regard to-

(a) the purpose or purposes for which groundwater is to be used;

(b) the existence of other competitive users;

(c) the availability of groundwater and other sources of water;

(d) the effect on other sources of water supply;

(e) the compatibility with the existing water supply system;

(f) the availability of factors controlling or preventing pollution;

[(g) the quality of groundwater;

(h) the objection from local residents against commercial extraction;

(i) the availability of factors contributing to or causing pollution;

(j) the measures taken for conservation of groundwater and harvesting of rain water and their maintenance;

(k) such other matter as may be prescribed.]

(6) The licence shall be in such form as may be prescribed.

(7) Notwithstanding anything contained in sub-sections (1) to (6)-

(i) every person extracting or using groundwater in the scheduled area for any purpose other than domestic purposes; or

(ii) every person transporting or using groundwater by means of any lorry, trailer or any other goods vehicle, immediately before the date of the commencement of this Act, may continue to extract, use or transport groundwater for a period not exceeding ninety days from the said date:

Provided that such person has applied for a licence therefor under this section within a period of fifteen days from the said date.

Explanation. - For the purposes of this section, the expression "goods vehicle" shall have the same meaning assigned to it in section 2(8) of the Now [Motor Vehicles Act, 1939].

[5A. Prohibition of use of groundwater in certain cases. - Notwithstanding anything contained in this Act, no person shall,-

(a) extract groundwater for non-potable use by an industry when alternate sources are available from the authorized water supply agencies;

(b) extract groundwater for use in swimming pool

Provided that the competent authority may grant permission to any organisation including a Government Department to extract groundwater for use in swimming pools owned or maintained by such organisation for promoting sports;

(c) extract groundwater for gardening purposes.]

6. Cancellation of permit or license. - (1) If the competent authority is satisfied, either on a reference made to it in this behalf or otherwise, that -

(a) any permit granted under sub-section (4) of section 3 or any licence granted under sub-section (4) of

section 5 has been obtained by fraud or misrepresentation as to an essentially; or

(b) a holder of a permit, or as the case may be, a licence, has failed to comply with or contravened any of the terms, conditions and restrictions subject to which, the permit or licence has been granted or has contravened any of the provisions of this Act or the rules made under this Act,

then, without prejudice to any other penalty to which such holder may be liable under this Act, the competent authority may, after giving to such holder, an opportunity of showing cause, by order cancel the permit or licence.

(2) On cancellation of the permit or licence under sub-section (1), the competent authority shall, by order, require the holder of the permit or licence, as the case may be, to close or seal off at his own cost the well concerned in such manner as the competent authority may specify in such order and the holder of such permit or licence shall comply with such order.

(3) Where any holder of a permit or licence fails to comply with any order made, under sub-section (2), the competent authority may, after giving the holder of the permit or licence due notice in that behalf, enter upon the premises where the well is situate and close or seal off the well and the cost incurred therefor shall be recoverable from such holder of the permit or licence as an arrear of land revenue.

7. Exemption. - Nothing in this Act shall apply to,-

(i) the Board or any officer of the said Board in the discharge of his duties or performance of his functions as an officer of such Board; and

(ii) any person extracting groundwater from any well,-

(a) without the aid of any pumpset; or

(b) with the aid of pumpset of capacity not exceeding 0.5 Horse Power in respect of any one well.

8. Competent authority. - (1) The competent authority, for the purpose of this Act, shall be,-

(a) in the City of [Chennai], [the Managing Director of the Board or any Officer of the Board not below the rank of Executive Engineer authorised by the Government in this behalf; and]

[(b) in relation to the villages specified in the Schedule, the Collector of Kancheepuram district or Tiruvallur district, as the case may be, or any officer not below the rank of Zonal Deputy Tahsildar authorised by the Government in this behalf, within whose jurisdiction the village is situated.]

(2) If the competent authority or any person duly authorised by it in this behalf has reason to believe that an offence under this Act has been, or is being, or likely to be, committed, the competent authority or the person so authorised may enter and inspect with such assistance as may be necessary at any time by day or by night, any place to satisfy itself or himself whether any of the provisions of this Act or the rules made under this Act or of any of the terms, conditions and restrictions, subject to which the permit or licence has been granted are contravened or otherwise not complied with.

10. Offences and penalties. - (1) If any person contravenes, or fails to comply with, any of the provisions of this Act or the rules made under this Act or of the terms, conditions and restrictions, subject to which the permit or licence has been granted, he shall be punished for the first offence with fine which may extend to [two thousand rupees] and for the second or any subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to [five thousand rupees], or with both.

(2) Any person who, after having been convicted of any offence under this Act, continues to commit the same offence shall be punished with a further fine which may extend to [five hundred rupees] for every day during which he continues so to offend after such conviction.

11. Offences by companies. - (1) Where an offence punishable under this Act has been committed by a company, every person, who, at the time the offence was committed, was in-charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purpose of this section-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

12. Offences under this Act to be cognizable. -

(1) Any offence punishable under this Act shall be a cognizable offence within the meaning of the Code of Criminal Procedure, 1974 (Central Act 2 of 1974).

(2) No Court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing by the authority or an officer generally or specially authorised by the Government in this behalf.

[12A. Seizure and confiscation of property. - (1) The Government may appoint an officer to be authorised officer to exercise the powers and perform the functions of the authorised officer under this section and sections 12-B and 12-G and different officers may be appointed as authorised officers for different areas.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, where an offence under this Act is believed to have been committed, the competent authority may seize any vehicle or other article including pump, tube, tool or equipment used in committing offence under this Act and shall without any unreasonable delay, produce the vehicle together with the articles so seized before the authorised officer.

(3) Where any vehicle or other article is produced before the authorised officer under sub-section (2) and if he is satisfied that an offence under this Act has been committed, the authorised officer may, whether or not a prosecution is instituted for the commission of

such offence, order confiscation of the vehicle or other articles so seized.

(4) Where the authorised officer, after passing an order of confiscation under sub-section (3), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated vehicle or other article to be sold by public auction.

(5) Where any confiscated property is sold under sub-section (4), and where the order of confiscation made under this section is set aside or annulled by an order under section 12-C or section 12-D, the proceeds of such sale, after deduction of the expenses of, or incidental to, such auction, shall be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

12B. Issue of show cause notice before confiscations. - (1) No order confiscating any vehicle or other article shall be made under section 12-A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate and considering his objections, if any:

Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if, in the opinion of the authorised officer, it is practicable to do so and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any vehicle or other article shall be made under section 12-A, if the owner of the vehicle or other article, proves to the satisfaction of the authorised officer that it was used in committing the offence under this Act without the knowledge or connivance of the owner himself, his agent, if any, and the person in-charge of the vehicle or other article and each of them had taken all reasonable and necessary precautions against such use.

12C. Revision. - The Government may, on its own motion or otherwise, call for and examine the records of the authorised officer in respect of any order under section 12-A, make such inquiry or cause such inquiry to be made and pass such orders, as they deem fit:

Provided that no proceeding shall be initiated under this section against any order passed under section 12-

A, if the time for appeal against that order has not expired:

Provided further that no order prejudicial to any person shall be passed under this section unless such person has been given an opportunity of making his representation and his representation is considered.

12D. Appeal. - Any person aggrieved by any order passed under section 12-A or 12-C may, within thirty' days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area wherein the property has been seized and the Sessions Judge shall pass such order as he may think fit, which shall be final and shall not be called in question in any Court of law.

12E. Order of confiscation no bar for inflicting any punishment. - Any order of confiscation under section 12-A or 12-C or 12-D shall not be a bar for inflicting any punishment to which the persons affected thereby is liable under this Act.

12F. Property confiscated to vest with Government. - When an order for confiscation of any property has been passed and such order has become final, every vehicle or other article confiscated under section 12-A, or when sold under subsection (4) of section 12-A, the sale proceeds thereof shall vest with the Government.

13. Application of this Act to extraction and use of groundwater for agricultural purpose. - (1) Sections 3 and 4 and so much of section 6 and of sections 10 to 12 as they relate to the contravention of the said section 3 shall apply to every person using groundwater in the schedule area for agricultural purposes immediately before the date of commencement of this Act and to the competent authority.

(2) Save as otherwise provided in sub-section (1), nothing contained in this Act shall apply to any person using groundwater in the scheduled area for agricultural purposes immediately before the date of commencement of this Act."

15. A perusal of the above mentioned Sections shows that under Section 3, permission is required to sink a well in the places mentioned in the schedule. Section 4 mandates that the authorities must maintain a register showing the number of wells that were in existence before the Act came into force and the

number of wells from which water is extracted for domestic purposes and the number of wells from which water is extracted for commercial purposes. Section 5 of the Act mandates that no person shall extract or use ground water or transport ground water by means of lorry, trailer without obtaining a license. Section 5A prohibits the use of ground water for industrial purposes when alternate source is available from the authorized water supply agencies. It also prohibits the use of ground water for use in a swimming pool or for gardening purposes. Section 6 provides for cancellation of licenses, Section 10 provides for offences and penalties or contravening the provision of the Act. Section 12A gives power to the Government appointed Officers to seize and confiscate any vehicle or article including pump, tube or any other equipment used for committing offences under the Act. Section 12F provides the property so confiscated shall vest in the State.

16. Despite the fact that this Act came into force way back in the year 1987, it has not been implemented at all. We are surprised that registers under Section 4 is not been maintained. Ground water is being transported without obtaining any license under Section 5. We are also surprised that the tankers and lorries are not registered with the Collector.

17. The Government of Tamil Nadu has also brought out Tamil Nadu Ground Water (Development and Management) Act 2003. This Act was to apply in the entire State and was in the line with the Chennai Metropolitan Area Ground Water (Regulation) Act 1987. This Act has been repealed by the Tamil Nadu Ground Water (Development and Management) Repeal Act, 2013. There is no legislation to regulate the extraction of ground water in the State of Tamil Nadu.

18. In view of the acute shortage of water in the entire State of Tamil Nadu, the Government has issued G.O.Ms.No.51, Public Works Department, dated 11.2.2004 , G.O.Ms.No.52, Public Works (R2) Department, dated 02.03.2012 and G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014, for regulating the extraction of ground water. The said Government orders are being extracted and they read as under:-

i. G.O.(Ms).No.51, Public Works (R2) Department dated 11.02.2004 reads thus.

"GOVERNMENT OF TAMIL NADU

ABSTRACT

Ground Water - Estimation of ground water resources as per GEC Methodology 1997 - Categorisation of Panchayat Union blocks as

Over Exploited, Critical, Semi critical and Safe for Ground Water Development in Tamil Nadu - Approved - Orders issued.

Public Works (R2) Department

G.O. (Ms) No. 51

Dated: 11.2.2004.

Read:

- 1.G.O. (2D) No. 326 Public Works Department dated.23.11.1993.
- 2.G.O. (D) No. 457 Public Works Department dated 1.10.1996
- 3.G.O. (Ms) No.117 Energy (C1) Department dated 13.6.1997
- 4.Letter No. 29404/R2/2000-1 Public Works Department dated 26.7.2000
- 5.Letter Ms.No. 141 Energy Department dated. 26.7.2000

Read also:

- 6.From the Member (SAM), CGWB, New Delhi Letter No.3-4/ RESCGWB M(SAM) 2001-1223 dated.17.6.03 addressed to Chief Engineer (State Ground and Surface Water Resources Data Centre)
- 7.From the Chief Engineer (State Ground and Surface Water Resources Data Centre) Letter No. G1/8474/Assessment/2003/1.9.2003.
- 8.From the Member Secretary, State Planning Commission Letter No.3360/State Planning Commission/APP/2003/21.10.2003.
- 9.From the Chief Engineer (State Ground and Surface Water Resources Data Centre) Letter No.G1/8474/Assessment/2003 dated 29.1.04 and 6.2.04.

ORDER:-

Based on the development of Ground Water Resources the Panchayat Union Blocks in Tamil Nadu were categorized into Dark and Grey areas in the G.O. first read above. The Blocks with more than 85% to 100% Ground Water Development were categorized as "Dark block" and the blocks with ground water development between 65% to 85% were categorized as "Grey Blocks". This categorization was done in accordance with the then prevailing Ground

Water Estimation Committee - 1984 (GEC - 1984) Norms. Thereafter the committee constituted by the Ministry of Water Resources, Government of India has recommended to adopt the GEC - 1997 Norms for estimation of the Ground Water resources in all the States.

2. The Government, in the G.O. second read above constituted a State Level Working Group for the assessment of the ground water potential in Tamil Nadu. The above group have finalized the categorization of the Panchayat Union Blocks as per the GEC 1997 Methodology. The Ground Water resources have been computed as on January 1998 and the same has been projected to January 2003 on prorata basis as decided during the Working Group meeting. The above assessment report has been vetted and accepted by the Central Ground Water Board, Ministry of Water Resources, Govt. of India, New Delhi.

3. In his letter seventh read above the Chief Engineer (State Ground and Surface Water Resources Data Centre) has stated that based on the GEC 1997 Methodology, the Ground Water Assessment has been worked out and based on the development of Ground Water and the long term water level trend, the panchayat Union Blocks in Tamil Nadu have been categorized as Over-Exploited, Critical, Semi-Critical and Safe. The Chief Engineer has proposed that in order to observe certain Ground Water discipline for implementation of Minor Irrigation schemes so as to conserve and manage the ground water potential, the categorization of Panchayat Union blocks in all the districts (except Chennai district) of Tamil Nadu have to be notified and circulated to all departments and agencies dealing with the ground water development.

4. The Member-Secretary, State Planning Commission has also requested the Government to inform the Collectors of the categorization of the Blocks as per GEC 1997 Methodology for guidance in implementation of the programmes for Rain Water Harvesting and artificial recharge of Ground Water.

5. The Government have decided to approve the above proposals of the Chief Engineer (State Ground and Surface Water Resources Data Centre). Accordingly the Government approve the categorization of the Panchayat Union blocks in Tamil Nadu as Over- Exploited, Critical, Semi critical and Safe blocks for ground

water development as on January 2003 as detailed in the Annexure to this order.

6. The Government also direct that no schemes should be formulated in over exploited and critical blocks, and in semi critical and safe blocks all the schemes should be formulated in consultation with State Ground and Surface Water Resources Data Centre of Water Resources Organisation in Public Works Department. The term 'scheme excludes energisation of agricultural pump sets by the Tamil Nadu Electricity Board.

7. The Government further direct that appropriate rain water harvesting and artificial recharge schemes be carried out in all the categories of blocks and while carrying out the above schemes priority shall be given to the over exploited and the critical blocks so as to avoid further deterioration.

(BY ORDER OF THE GOVERNOR)

N.S. PALANIAPPAN

SECRETARY TO GOVERNMENT"

ii. G.O.Ms.No.52, Public Works (R2) Department, dated 02.03.2012, reads thus.

GOVERNMENT OF TAMIL NADU

ABSTRACT

GROUND WATER - Estimation of Ground Water Resources of Tamil Nadu as on March, 2009 - Categorization of Blocks as Over Exploited, Critical, Semi - Critical and Safe for Ground Water Development in Tamil Nadu - Approved Orders - Issued.

PUBLIC WORKS (R2) DEPARTMENT

G.O. (Ms).No.52

Dated: 02.03.2012

Masi-19, Thiruvalluvarandu 2043

Read:

1. G.O Ms.No.51, Public Works Department, Dated 11.2.2004

2. G.O Ms.No.24, Public Works Department, Dated 20.1.2011

Read also:

3. From the Chief Engineer, State Ground and Surface Water Resources Data Centre, Taramani, Chennai-113, Letter No.DD(G) /

8474/Assessment/ 2011, Dated 3.8.2011 and 6.9.2011.

ORDER:

In the G.O. first read above, Government approved the categorization of the Panchayat Union Blocks in Tamil Nadu as Over-Exploited, Critical, SemiCritical and Safe Blocks for Ground Water development as on January, 2003. Government also directed that no schemes should be formulated in Over exploited and Critical blocks and in Semi-Critical and Safe blocks all the schemes should be formulated in consultation with State Ground and Surface Water Resources Data Centre of Water Resources Organization in Public Works Department. The term "scheme" excludes energization of agricultural pumpsets by the Tamil Nadu Electricity Board. Government further directed that appropriate rain water harvesting and artificial recharge schemes (be carried out in all the categories of blocks and while carrying out the above schemes) priority shall be given to the over exploited and critical blocks so as to avoid further deterioration. In the G.O. second read above, Government constituted a State Level Committee headed by the Secretary to Government, Public Works Department consisting of 18 Members for re-estimation of Ground Water Assessment as on March, 2009 in Tamil Nadu based on the suggestion of the Government of India, Ministry of Water Resources.

2. The Chief Engineer, State Ground and Surface Water Resources Data Centre has stated that the Ground Water resources of the State of Tamil Nadu are being estimated periodically in co-ordination with the Central Ground Water Board, Government of India, SERC, Chennai, based on the Methodology evolved by Ground Water Resources Estimation Committee, 1997 (GEC 97). The assessment previously estimated for Tamil Nadu is as on January 2003 which was approved by the Government of Tamil Nadu in the G.O. first read above is being followed as of now.

3. The Chief Engineer, State Ground and Surface Water Resources Data Centre has also stated that as discussed and decided in the VIth State Level Technical Co-ordination Committee Meeting held on 15th June of 2009, the Assessment of State Ground Water Resources as on March 2009 are taken up jointly with Central Ground Water Board and completed. The Technical details involved in the Ground Water Assessment 2009 were placed in the State Level Working Group Meeting under

the Chairmanship of the Chief Engineer, State Ground and Surface Water Resources Data Centre, held on 31.12.2010 and got approved. The Ground Water Assessment 2009 was also placed in the "State Level Committee for Re-estimation of Ground Water Resources Assessment" and approved by the said Committee consisting of 18 members under the Chairmanship of the Secretary, Public Works Department, Chennai-9, constituted as per G.O.(Ms).No.24, Public Works Department, dated 20.1.2011 held on 10.2.2011.

4. The Chief Engineer, State Ground and Surface Water Resources Data Centre has also pointed out that, the National as well as the State Water policies emphasized the periodic' assessment of Ground Water Resources. So far once in five years the assessment is being done. The time gap between the two consecutive assessments via- January 2003 and March 2009 is more than 5 years and the present scenario on Resource Potential and categorization have also changed since then.

5. The Chief Engineer, State Ground and Surface Water Resources Data Centre has also stated that as per the orders issued in the G.O.Ms.No.51, Public Works Department, dated 11.2.2004 no scheme is permitted in Over Exploited and Critical Blocks of Tamil Nadu.

6. The Chief Engineer, State Ground and Surface Water Resources Data Centre has also furnished abstract of the categorization blocks as on March 2009 as below:-

Sl.No.	Categorization of Blocks	As on March 2009
1.	Over Exploited Blocks	138+1
2.	Critical Blocks	33
3.	Semi Critical Blocks	67
4.	Safe Blocks	136
5.	Saline / Poor quality blocks	11
6.	Total Blocks	385+1

He has also stated that in the above total, 385 denotes, 385 blocks of Tamil Nadu and plus 1 denotes the Chennai District which was taken up as one

"assessment unit" since Chennai District is not bifurcated into blocks.

7. The Chief Engineer, State Ground and Surface Water Resources Data Centre has submitted the following proposals for issuing of necessary Government Order for the notification of blocks based on the categorization made as on March 2009 for all the District of Tamil Nadu.

1) All the Over Exploited and Critical Blocks as on March 2009 Assessment may be declared as Notified Blocks (A Category - Stage of Ground Water extraction is 90% and above) and all the Semi critical and Safe Blocks may be declared as Notified Blocks (B Category - Stage of Ground Water extraction is below 89%).

2) While implementing all the schemes including Minor Irrigation schemes effectively, the Government may direct that no schemes should be formulated in over exploited and critical blocks "Notified Blocks A category - (Stage of Ground Water extraction is 90% and above)" and in the case of Semi Critical and Safe blocks on "Notified Blocks - B category -(Stage of Ground Water extraction is below 89%)", all the schemes should be formulated through (State Ground and Surface Water Resources Data Centre of Water Resources Department and the Chief Engineer / State Ground and Surface Water Resources Data Centre will issue the Ground Water Clearance (i.e. NOC from Chief Engineer, State Ground and Surface Water Resources Data Centre, Water Resources Department).

3) The term "Schemes" excludes energisation of Agricultural pump sets by the Tamil Nadu Electricity Board. The present order may also exclude the Ground Water drawl for a). Domestic purpose by individual household, b).Domestic Infrastructure project (Housing), c). Government's Drinking Water Supply Schemes and d). non water based industries, (i.e. - the industries which do not require and use water, either as raw material or for other processing). However, the domestic use of water by this non water based industries will be permitted by the Chief Engineer / State Ground and Surface Water Resources Data Centre based on hydro geological conditions: (i.e. NOC from Chief Engineer, State Ground and Surface Water Resources Data Centre, Water Resources Department,

Chennai). The list of non water based industries will be issued by the Industries Department of Government of Tamil Nadu separately.

4) Appropriate rain water harvesting and Artificial recharge schemes should be carried out in the categories viz., Over exploited, Critical, Semi Critical and Safe blocks of Tamil Nadu. While carrying out the above schemes, priority should be given to marginal quality and bad quality areas so as to avoid further deterioration.

5) All the schemes and proposals based on Ground Water will have to adhere to the Government orders and conditions as at Annexure-11 of this proposal.

The Chief Engineer, State Ground and Surface Water Resources Data Centre has therefore requested necessary approval of the Government on Ground Water Assessment as on March 2009.

8. The Government have decided to approve the above proposal of the Chief Engineer, State Ground and Surface Water Resources Data Centre. Accordingly, the Government approve the categorization of over-exploited, critical, semi-critical and safe blocks as detailed in the Annexure-I of this order. All the over exploited and critical blocks are notified as A Category - Where Stage of Ground Water extraction is 90% and above and all the Semi critical and Safe blocks notified as B Category -Where Stage of Ground Water extraction is below 89%.

9. The Government further direct that no schemes should be formulated in over exploited and critical blocks "Notified as - A category blocks. In Semi Critical and Safe blocks "Notified as - B category blocks, all the schemes should be formulated through State Ground and Surface Water Resources Data Centre of Water Resources Department and the Chief Engineer / State Ground and Surface Water Resources Data Centre will issue "No Objection Certificate" for Ground Water Clearance.

10. The Government further direct to exclude the Ground Water drawal for domestic purpose by individual household; domestic Infrastructure project (Housing); Government's Drinking Water Supply Schemes and non

water based industries, (i.e. the industries which do not require and use water, either as raw material or for other processing). The Chief Engineer, State Ground and Surface Water Resources Data Centre will permit for domestic in use of water by this non water based industries by issuing "No Objection Certificate" based on the hydro geological conditions. The list of non water based industries will be issued by the Industries Department of Government of Tamil Nadu separately.

11. The Government further direct that appropriate rain water harvesting and Artificial recharge schemes shall be carried out in the categories viz, Over exploited, Critical, Semi Critical and Safe blocks of Tamil Nadu. While carrying out the above schemes, priority shall be given to marginal quality and bad quality areas so as to avoid further deterioration.

12. The Government further direct that all the schemes and proposals based on Ground Water will have to be adhered the Government orders and conditions as detailed in the Annexure-11 of this order.

(BY ORDER OF THE GOVERNOR)

M. SAI KUMAR
SECRETARY TO GOVERNMENT

iii. G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014 reads thus.

GOVERNMENT OF TAMIL NADU
ABSTRACT

Public Works Department - Effective Management of Ground Water - Regulations for Management of Ground Water and Issue of No Objection Certificate / License for Extraction of Ground Water in Tamil Nadu State - Issued

PUBLIC WORKS (R2) DEPARTMENT

G O. (Ms) No. 142

Dated: 23.07.2014.

Jaya, Aadi 7

Thiruvalluvar Aandu,

2045

Read;-

1 G.O. (Ms.) No. 52, Public Works Department, dated: 2.3.2012

2 From the Chief Engineer, Water Resources Department. State Ground and Surface Water Resources Data Centre. Letter No OT9/AG-IV/2013, dated

5.9.2013 and 13.9.2013.

ORDER:

In the Government Order 1st read above, orders were issued approving the categorization of over-exploited, critical, semi-critical and safe blocks. All the Over-exploited and-Critical blocks are notified as Category - 'A' - where Stage of Ground water extraction is 90% and above and all the Semi-critical and Safe blocks are notified as Category 'B' - where Stage of Ground Water extraction is below 89%. It was also ordered as follows -

(a) No schemes should be formulated in over-exploited and critical blocks "Notified as - A category blocks". In Semi-Critical and Safe blocks "Notified as - B category blocks", all the schemes should be formulated through the State Ground and Surface Water Resources Data Centre of the Water Resources Department and the Chief Engineer, State Ground and Surface Water Resources Data Centre, would issue "No Objection Certificate" for Ground Water Clearance.

(b) Drawal of Ground Water for domestic purpose by individual household: domestic Infrastructure project (Housing), Government's Drinking Water Supply Schemes and non - water based industries, (i.e.. the industries which do not require use of water, either as raw material or for other processing) are excluded.

(c) The Chief Engineer. State Ground and Surface Water Resources Data Centre, would issue permit for domestic use of water by these non-water based Industries by issuing "No Objection Certificate" based on the hydro geological conditions.

d) Appropriate rain water harvesting and Artificial recharge schemes should be carried out in the categories viz, Over-exploited, Critical, Semi-Critical and Safe blocks of Tamil Nadu. While carrying out the above schemes, priority should be given to marginal quality and bad quality areas so as to avoid further deterioration.

(e) All the schemes and proposals based on the Ground Water will have to adhere to the Government Orders and conditions as detailed in the Annexurell to the Government Order 1st read above.

2. In the letters 2nd read above, the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, has reported that in order to safeguard the groundwater aquifers and sustain the ground water potential, the State Ground and Surface Water Resources Data Centre, Water Resources Department, issues No Objection Certificate / Licence / Permit for extraction of groundwater by different users and Circulars issued by him from time to time should also be followed He has also reported that for the effective management of ground water and environment on water sector and to maintain the sustainability on ecology, the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, has sought for approval of the draft Regulations for Management of Groundwater and Issue of No Objection Certificate / Licence for extraction of Groundwater in State of Tamil Nadu suggested by him.

3. The Government after careful consideration of the proposal of the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai, have decided to accept it. Accordingly, in furtherance of the orders and instructions issued in the Government Order first read above, the Government approve the following Regulations for the Management of Ground Water and issuance of No Objection Certificate for extraction of Ground Water in Tamil Nadu. These Orders and Regulations should be scrupulously followed by the authorities concerned.

REGULATIONS FOR MANAGEMENT OF GROUND WATER AND ISSUE OF NO OBJECTION CERTIFICATE / LICENCE FOR EXTRACTION OF GROUND WATER IN TAMIL NADU STATE

In G.O(Ms.) No. 52, Public Works Department, dated 2.3.2012, the Government of Tamil Nadu have approved the categorization of the Blocks in Tamil Nadu as Over-Exploited, Critical, Semi-Critical and Safe for ground water development and notified the same. The categorization will be done periodically by the Government of Tamil Nadu and will be notified. In

continuation of the orders issued in the said Government Order, the Government issue the following Regulations for issue of NO OBJECTION CERTIFICATE for extraction and transportation of ground water. These Regulations will come into force immediately.

These Regulations extend to the whole of the State of Tamil Nadu except the areas to which the Chennai Metropolitan Area Ground Water (Regulation) Act, 1987 extends.

(I) The following Categories are exempted from applying for NO OBJECTION CERTIFICATE for drawal and transportation of ground water:

(a) Drawal and transportation of ground water for domestic and drinking purposes for individual houses and housing infrastructure projects limited up to the Projects with six dwelling units in any area.

(b) Drawal and transportation of ground water for drinking purposes to educational institutions While issuing No Objection Certificate, the Competent Authority may ensure that water from surface source is not available from Chennai Metropolitan Water Supply and Sewerage Board, Tamil Nadu Water Supply and Drainage Board, Local Body or New Tiruppur Area Development Corporation Limited.

(c) Drawal and transportation of ground water for agricultural and horticultural purposes in the State of Tamil Nadu. However, the existing spacing norms of 50 metres from unlined canal and 200 metres from river bed and water bodies will continue

(d) Drawal and transportation of ground water by Local Bodies, Government Institutions, Government Undertakings for drinking water purposes, subject to the clearance by the Water Utilisation Committee as per rules in force

(II) NO OBJECTION CERTIFICATE is required for drawal and transportation of Ground water for the following Categories:

(1) For drawal and transportation of ground water for Housing Infrastructure Project with more than six dwelling units.

(2) For drawal and transportation of ground water for all other Infrastructure Projects buildings

(3) Drawal and transportation of ground water for Industries (However, this will not apply to the existing Industries)

(4) Water based Industries (i.e., those industries which use water as raw material like water bottling units, etc.,) are eligible for No Objection Certificate in Safe and Semi-Critical Blocks only and not in any other category of Blocks

(5) In case of industries, which have already been established and functioning in Critical and Over-exploited Blocks, keeping in view the investment already made in plant and machinery, renewal of No Objection Certificate will be done after the concerned District Collector / Chief Engineer, State Ground and Surface Water Resources Data Centre, satisfies himself about the provisions of the Artificial Recharge Scheme Structures to recharge the ground water. While issuing No Objection Certificate, the Competent Authority may ensure that water from surface source is not available from Chennai Metropolitan Water Supply and Sewerage Board, Tamil Nadu Water Supply and Drainage Board, Local Body or New Tiruppur Area Development Corporation Limited.

(III) NON - PERMISSIBLE CATEGORIES

(1) Drawal and transportation of ground water for Water based industries (i.e. those industries which use water as raw material) is not permitted from Critical and Over-exploited Blocks. Hence, water based Industries are not eligible to get No Objection Certificate in Over-exploited and Critical Blocks.

(2) Highly Polluting Industries (14 types - as categorised by the Tamil Nadu pollution Control Board) are not eligible to extract ground water within 5km radius from Cauvery, Pennaiyar, Palar, Vaigai, Thamiraparani and all the major rivers and tributaries as specified vide G.O.(Ms) No.213,Environment & Forest (EC-I) Department, dated. 30.3 89.

(3) In coastal areas, proposal for extraction of ground water within 10 km from the coast (However the distance criteria may be relaxed based on the geological formation which ensures that the geological formation is not susceptible for sea water intrusion due to extraction of ground water in that area)

(4) The areas falling under the Palar Basin Rules, where the spacing prescribed is not available vide G.O (Ms.) No. 1766, Public Works Department, dated 31.10 88.

(5) The extraction point falling within 50 meters from the canal are not eligible for extraction

of ground water.

(IV) SUBMISSION OF APPLICATION FOR AVAILING NO
OBJECTION CERTIFICATE:

Four sets of application have to be submitted to the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai. in the prescribed format only with the following Annexures:

(1) Attested copy of registered land ownership document in the name of the applicant (or) lease agreement in the name of the applicant

(2) The latest Encumbrance Certificate showing the name of the applicant for ascertaining the ownership or lease of the area.

(3) Field Measurement Book Sketch

(4) Not to scale topo sketch showing the location of wells and the industry.

(5) Chitta and Adangal copy

(6) Copy of Electricity Board Card.

(7) The distance between the well proposed for groundwater extraction and nearest wells and the depth of the wells to be certified by the Revenue Inspector concerned

(8) The distance between the well proposed for ground water extraction and nearest surface water body such as tank, canal, stream, river, etc., to be certified by the Revenue Inspector concerned.

(9) The distance between the well proposed for ground water extraction and the bank of Palar River (Palar Basin Rules) to be certified by the Revenue Inspector concerned.

(10) "No Objection Certificate" from the Village Panchayat concerned for the proposed quantity of ground water extraction and transportation of groundwater, if any. (The application form and annexures are notified in the website of the Department and Government) along with the Service Charges as prescribed by the Government then and there

(V) Conditions for Processing of Application Forms:

The land in which the drawal wells have been proposed by an industry / organization for issue of No Objection Certificate for drawal of Ground Water should either be own property of the owner / proprietor of the industry / organization registered in his name or a leased property taken on lease by

the owner / proprietor of the industry / organization in his name and duly and properly registered. No other mode of accessibility or permissibility of Land and Well will be entailed to claim (or issue of No Objection Certificate to Industry / organization. The request of the applicant will be processed by the Chief Engineer, State Ground and Surface Water Resources Data Centre and final orders on No Objection Certificate / Licence will be issued after adhering to the Consolidated Guidelines, 2011, dated 28.01.2011. The Chief Engineer, State Ground and Surface Water Resources Data Centre, is empowered to issue No Objection Certificate / Licence observing the Regulations and conditions laid down in the Government Order and guidelines. The Chief Engineer, State Ground and Surface Water Resources Data Centre, is the authority to issue No Objection Certificate / Licence by imposing conditions and also empowered to reject or decline any of the request on technical grounds after scrutiny

(VI) GENERAL CONDITIONS:

(1) Since Ground Water is a State subject, the Tamil Nadu Pollution Control Board and ISI should issue the permission only after obtaining the licence from the State Ground and Surface Water Resources Data Centre

(2) The Chief Engineer, State Ground and Surface Water Resources Data Centre, will examine the proposals case by case, in accordance with the guidelines issued by the Government and the Chief Engineer, State Ground and Surface Water Resources Data Centre, is empowered to issue technical circulars then and there as warranted.

(3) The Chief Engineer, State Ground and Surface Water Resources Data Centre, should ensure that due to drawal of ground water based on the issue of No Objection Certificate / Licence for drawal of ground water the categorisation in the Block / Revenue Firka should not alter its position downwards. Necessary conditions should be imposed to construct adequate Artificial Recharge Structures to recharge stipulated quantity of water with respect to drawal of ground water

(4) The No Objection Certificate / licence for drawal of ground water should be compulsorily renewed every year for the water based Industries and to be renewed once in three years for the non-water based

industries

(5) All the existing Guidelines imposed by the Chief Engineer, State Ground and Surface Water Resources Data Centre and guidelines issued then and there by the Government are to be followed by the existing and also proposed users.

(BY ORDER OF THE GOVERNOR)

M. SAI KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT"

19. The Government orders were challenged in a batch of Writ Petitions. The learned Single Judge by an order dated 03.10.2018, upheld the Government orders and passed the following directions.

"109. Coming to the regulatory part of the Extraction of Ground Water, all these commercial establishments, as discussed in the aforementioned paragraphs, implementation of the regulations are certainly imminent and the same is lacking on account of proper Mechanism and guidelines. Thus, this Court is inclined to pass the following orders:

(1) The impugned order of regulation issued by the 1st respondent in G.O.Ms.No.142, dated 23.07.2014 is confirmed.

(2) The respondents are directed not to grant licence, No Objection Certificate (NOC) or permission for the commercial establishments / person to extract ground water for commercial usage in the absence of fixation of water Flow Meter on the Board outlet, which is to be inspected.

(3) The respondents are directed to inspect the functional quality and other established standards of the Flow Meters fixed by the persons, who all are applying for permissions / No Objection Certificate (NOC) and at the time of granting permission / No objection Certificate (NOC), the Flow Meter should be sealed properly by the respondents / Public Works Department (PWD) officials.

(4) The Flow Meter must be sealed in such a way to prevent any tampering by any person. Quantum of Water to be extracted by individuals, are to be fixed periodically as per the assessment to be made by the P.W.D. Authorities as per the Regulations.

(5) The respondents are directed to measure the quantum of water extracted by the establishments / persons

by taking meter reading every Month and accordingly, the same is to be regulated.

(6) The respondents are directed to follow all other terms and conditions fixed for grant of licence / permission for Extraction of Ground Water for commercial usage as per the guidelines issued in G.O.Ms.No.142, Public Works Department dated 23.07.2014.

(7) The respondents are directed to register the Police complaint in the event of identifying any excess Extraction of Ground Water by tampering the Flow Meters sealed or by any other means by any person. The case must be registered Under Section 379 of Indian Penal Code (IPC). In addition, if the water is wasted for causing wrongful loss, then Section 425 of the Indian Penal Code (IPC) will also attract.

(8) The respondents are directed to suspend the licenses by issuing show cause notices and by providing an opportunity to the persons, who have involved in the offence of theft or violation of all other conditions stipulated in the Government Regulations, or if a criminal case is registered. If any person is convicted, then he shall be permanently debarred from getting licence for Extraction of Ground Water.

(9) The District Collectors of all the Districts in the State of Tamil Nadu are directed to issue suitable directions / orders to the Revenue Divisional Officer, Tahsildars and all other officials concerned to inspect and monitor the Extraction of Ground Water by the persons for commercial usage.

(10) The District Collectors of all the Districts are directed to constitute monitoring committees to monitor the Extraction of Ground Water by the individuals for commercial purposes.

(11) Each Monitoring Committee appointed by the District Collector concerned, shall consists minimum of five persons and the Committee is empowered to monitor the Extraction of Ground Water for commercial purposes by the individual persons and commercial establishments.

(12) The Monitoring Committee shall consists of the following persons:

(i) The District Environmental Engineer from Pollution Control Board of the State of Tamil Nadu.

(ii) One qualified Public Works Department (PWD) Engineer from Water Resources Department.

(iii) The Assistant Director of Zoology and Mining of the State Government.

(iv) The Revenue Divisional Officer of the concerned locality.

(v) One nominee from the office of the Chief Engineer, Central Ground Water Board of the Government of India.

(13) The Monitoring Committee is entitled to collect proofs and documents in respect of the Extraction of Ground Water illegally and excessively by any person and submit a complaint / report to the District Collector concerned, who in turn, after verifying the same, shall register a complaint with the Jurisdictional Police for registering a criminal case under the provisions of Indian Penal Code (IPC).

(14) It is needless to State that, only in the event of compliance of the regulations and conditions imposed in this order, the persons / establishments shall be allowed to extract the Ground water for commercial usage or for commercial purposes.

(15) The 1st respondent / Secretary, Public Works Department is directed to issue a consolidated instructions in this regard based on the order passed in the present writ petitions to all the District Collectors, enabling them to implement the Court orders promptly."

20. Ground water is depleting in the State of Tamil Nadu at an alarming rate. Chennai Metropolitan Area Ground Water (Regulation) Act 1987, only regulates extraction of water in Chennai, Kancheepuram and Tiruvallur districts. Since Tamil Nadu Ground Water (Development and Management) Act, 2003 has been repealed, there is no legislation to regulate the extraction of water in the State of Tamil Nadu other than the three districts mentioned above. A perusal of G.O.Ms.No.51, Public Works Department, dated 11.2.2004 and G.O.Ms.No.52, Public Works (R2) Department, dated 02.03.2012, would show that the State Government is aware that there are pockets in the State where there is over exploitation of ground water. The Government has therefore resorted to invoke the powers under Article 162 of the Constitution of India to bring out the above mentioned G.O. There is no machinery to ensure that violators of the directions in the said G.O.s. can be proceeded with under criminal law.

There are no effective provisions in the Indian Penal Code to combat illegal extraction of water. The State Government therefore has to bring out effect legislations to ensure that persons involved in illegal and indiscriminate extraction of ground water are dealt with firm and iron hands. This Court is aware that a Writ cannot be passed directing the State Government to bring out legislations. However, this Court requests the State Government to pass legislations to cover the entire State of Tamil Nadu to combat the issue of depletion of ground water.

21. This Court also directs Chennai Metropolitan Area Ground Water (Regulation) Act 1987, is properly implemented. This Court directs that the Collectors of Kancheepuram and Tiruvallur, must maintain a register of the existing wells in the areas mentioned in the schedule to the Act. No vehicle should be permitted to transport ground water without obtaining a valid license under Section 5 of the Chennai Metropolitan Area Ground Water (Regulation) Act 1987. The Collector must ensure that the vehicles indulging in illegal transportation must be seized under Section 12A and after confiscation by following the procedure under Section 12 of the Act, the vehicle must vest with the State. Similarly, the pumps etc., will also vest with the State.

22. This Court accepts the additional report filed by the Commissioner of Police, dated 24.07.2019 given in WP.No.17384 of 2019 and closes the enquiry. This Court records its appreciation for the assistance rendered Shri.L.Chandra Kumar, Advocate. Remuneration of Rs.50,000/- (Rupees Fifty Thousand only) has to be shared by the District Collector, Kancheepuram and District Collector, Chennai. The said amount has to be paid within one week from today. The learned Additional Government Pleader would ensure payment within time.

23. Writ petitions are disposed of. No Costs.

24. Post these writ petitions on 04.11.2019 for reporting compliance.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

TO

1. THE DISTRICT COLLECTOR,
THIRUVALLUR DISTRICT.
2. THE TAHSILDAR,
POONAMALLEE.
3. BLOCK DEVELOPMENT OFFICER,
POONAMALLEE.
4. THE EXECUTIVE ENGINEER,
CHENNAI METROPOLITAN WATER SUPPLY AND SEWAGE BOARD,
CHINTADRI PET, CHENNAI - 600 002.
- 5 THE DISTRICT COLLECTOR
CHENNAI DISTRICT RAJAJI SALAI CHENNAI
- 6 THE TAHSILDAR
ALANDUR TALUK CHENNAI-600 016
- 7 THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICER
GUINDY CHENNAI-600 032
- 8 THE COMMISSIONER
GREATER CORPORATION OF CHENNAI CHENNAI-600
003
- 9 THE ASSISTANT COMMISSIONER
GREATER CORPORATION OF CHENNAI ALANDUR
DIVISION ALANDUR CHENNAI 600 016
10. THE ASSISTANT ENGINEER
CHENNAI METROPOLITAN WATER SUPPLY AND
SEWERAGE BOARD NANAGNALLUR CHENNAI-60 061
11. THE DEPUTY COMMISSIONER OF
POLICE ST.THOMAS MOUNT CHENNAI-600 016
12. THE INSPECTOR POLICE
PALAVANTHANGAL POLICE STATION CHENNAI-600 061
13. THE GOVERNMENT OF TAMIL NADU
REP BY THE SECRETARY TO THE GOVT MUNICIPAL
ADMINISTRATION AND WATER SUPPLY DEPARTMENT
FORT.ST.GEORGE CHENNAI-9

14. THE CHAIRMAN AND MANAGING
DIRECTOR MADRAS METROPOLITAN WATER SUPPLY AND
DRAINAGE BOARD NO 1 PUMPING STATION ROAD
CHINTADRI PET CHENNAI-2
- 15 THE CHIEF ENGINEER
STATE GROUND AND SURFACE WATER RESOURCES
DATE CENTRE THARAMANI CHENNAI-113
- 16 THE COLLECTOR KANCHEEPURAM
KANCHEEPURAM DISTRICT.
- 17 THE TAHSILDAR TAMBARAM TALUK
TAMBARAM CHENNAI-45
- 18 THE REVENUE DIVISIONAL OFFICER
TAMBARAM TALUK CHENNAI-45
- 19 THE EXECUTIVE ENGINEER
TNEB 110 KV. PUTHUTHANGAL SS COMPLEX
MULLAI NAGAR MAIN ROAD WEST TAMBARAM
CHENNAI-45
- 20 THE INSPECTOR OF POLICE
S-15 POLICE STATION VELACHERY MAIN ROAD
SELAIYUR CHENNAI-73
- 21 THE DISTRICT COLLECTOR
TIRUVALLUR DISTRICT TIRUVALLUR.
- 22 THE DISTRICT REVENUE OFFICER
TIRUVALLUR DIVISION TIRUVALLUR.
- 23 THE TAHSILDAR
POONAMALLEE TALUK TIRUVALLUR
- 24 THE VILLAGE ADMINISTRATIVE OFFICER
PIDIARITHANGAL VILLAGE
BANAVEDUTHOTTAM PANCHAYAT UNION POONAMALLEE
POST CHENNAI-56
- 25 THE SECRETARY TO THE GOVERNMENT
MUNICIPAL ADMINISTRATION AND WATER
SUPPLY DEPARTMENT CHENNAI.

- 26 THE DISTRICT COLLECTOR
KARUPPA GOUNDAN PALAYAM PALLADAM ROAD
TIRUPPUR TIRUPPUR DISTRICT.
- 27 THE DISTRICT REVENUE OFFICER
TIRUPPUR TIRUPPUR DISTRICT.
- 28 THE REVENUE DIVISIONAL OFFICER
ELAYAMUTHUR ROAD OPPOSITE TO
GOVERNMENT ARTS COLLEGE UDUMALPET
TIRUPPUR DISTRICT.
- 29 THE THASILDAR
MADATHUKULAM TALUK OFFICE PALANI ROAD
TIRUPPUR DISTRICT.
- 30 THE EXECUTIVE ENGINEER
TAMIL NADU WATER RESOURCES AND SURFACE WATER
BOARD AMARAVATHI RIVER BASIN DHARAPURAM.
- 31 THE ASSISTANT EXECUTIVE ENGINEER
MADATHUKULAM TANGEDCO NO.110/22 KV
SUB STATION CAMPUS SOLAMADEVI MEDU KANIYUR
ROAD MADATHUKULAM TALUK PIN CODE 642 113.
- 32 THE INSPECTOR OF POLICE
MADATHUKULAM POLICE STATION PALANI ROAD
TIRUPPUR DISTRICT.
- 33 THE REVENUE DIVISIONAL OFFICER
PONNERI DIVISION PONNERI
- 34 THE TAHSILDAR
PONNERI TALUK PONNERI
- 35 THE RURAL DEVELOPMENT OFFICER
CHOZHAVARAM UNION CHOZHAVARAM
- 36 THE DISTRICT SUPERINTENDENT
OF POLICE THIRUVALLUR DISTRICT THIRUVALLUR
- 37 INSPECTOR OF POLICE
CHOZHAVARAM POLICE STATION CHOZHAVARAM

+1 CC to Mr.K. Soundararajan, Advocate sr 85256.
+1 CC to Mr.V. Vijay Shankar, Advocate sr 85742.
+1 CC to Government Pleader sr 85603.

Writ Petition Nos.15304, 17384, 18264,
19596, 21299 & 21917 of 2019

BP(CO)
SP(16/12/2019)