

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.32873 of 2018
and W.M.P.No.38085 of 2018

S.Rajendran

...Petitioner

Vs

1. The Chief Engineer
State Ground & Surface Water Resources Data Centre,
Tharamani, Chennai-600 113.
2. The District Collector,
Tiruvarur District, Tiruvarur.
3. The Block Development Officer,
Mannargudi Union, Mannargudi,
Tiruvarur District.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent in Na.Ka.No.1427/2015/A3 dated 24.07.2017 and quash the same and consequently direct the third respondent to permit the petitioner to continue his water plant business at Thalayamangalam Village in S.No.3-5, Mannargudi Taluk, Tiruvarur District.

For Petitioner

: Mr.B.Jawahar

For Respondents

: Mr.M.Karthikeyan,

AGP for R1 & R2

Mr.R.Neelakandan for R3

O R D E R

The petitioner has obtained 'No Objection Certificate' issued by the first respondent for drawal of ground water at the rate of 25,000 LPD from a tube well in Thalayamangalam Village,

Mannargudi Block, Tiruvarur District. The third respondent has also issued 'No Objection Certificate' to start the water plant. While so, suddenly, the third respondent, without conducting any enquiry and without there being any adverse remarks against the petitioner, passed the impugned order, directing the petitioner to stop the water plant activities. Hence this writ petition has been filed.

2. When this writ petition came up before this Court on 05.02.2019, this Court directed the first respondent to inspect the water plant in question and submit a report before this Court on or before 18.02.2019. Accordingly, the first respondent has submitted a report in which it is stated that the tube well in question falls in the 'Safe Category' for the Ground Water Potential Assessments made by the Ground Water Department in the years 2009, 2011 and 2013; the nearest observation tube well also does not show any declined water level trend; the firm has also not extracted ground water from the permitted tube well till date.

3. It is also stated in the report that after issuance of NOC for a period of one year from 25.08.2014, renewal of NOC was not made due to the firm's administrative reasons. It is further stated that the representative of the firm has assured that they will renew the NOC including the earlier lapsed period, during the inspection made on 14.02.2019.

4. According to the petitioner, based on some frivolous complaints by the persons having political background, the third respondent has passed the impugned order, without conducting any enquiry. But, according to the learned Additional Govt. Pleader appearing for the respondents 1 and 2 and the learned counsel for the third respondent, the impugned order has been passed based on complaints received from the Villagers that the petitioner is taking water near Chelliamman Temple by digging a bore well for commercial purpose, thus affecting the general public and the villagers.

5. Heard the learned counsel on either side.

6. Admittedly, the petitioner has not renewed the NOC for the bore well in question from 25.08.2015. Further, it is seen that the third respondent has passed the impugned order without affording any opportunity to the petitioner. Therefore, on this ground, the impugned order is liable to be quashed. Accordingly, the impugned order is quashed and the writ petition is allowed. It is open to the petitioner to approach the competent authority for renewal of NOC. In the event of NOC is granted, if there are any violations of the conditions, it is needless to state that the authority concerned is empowered to

take action against the petitioner in the manner known to law.
No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Chief Engineer
State Ground & Surface Water Resources Data Centre,
Tharamani, Chennai-600 113.
2. The District Collector,
Tiruvarur District, Tiruvarur.
3. The Block Development Officer,
Mannargudi Union, Mannargudi,
Tiruvarur District.

+1cc to the Government Pleader, S.R.No. 16041

W.P.No.32873 of 2018
and
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KAN(CO)
CS/04/04/2019

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