



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.3642 of 2019

WEB COPY

N.P.Balasubramanian

... Petitioner

Vs

1.The Chief Engineer,
Public Works Department,
(Water Resource Organization),
Tharamani, Chennai.

2.The Assistant Engineer,
Public Works Department,
Ground Water Division - I,
Ground Water Sub-Division IV,
Tharamani, Chennai 600 113.

3.The Tahsildar,
Manmangalam Taluk,
Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to allow the petitioner to make supply of limited quantity of water from the petitioner own well situated in Survey No. 363 at Kombu Palayam Village, Manmangalam Taluk, Karur District, to the nearby Government Higher secondary school, Fire Rescue Department and nearby educational institutions.

For Petitioner : Mr.C.Christopher

For Respondents : Mr.M.Rajarajan, Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is owning 10 acres of agricultural land and a huge well in Survey No.363 in Kombu Palayam Village, Manmangalam Taluk, Karur District. He wants permission to commercially exploit the said water source. He submitted an application to the respondent and he wants this Court to direct the respondent to consider the same.



3. When the matter was taken up for hearing, the learned Government Advocate drew the attention of this Court to the notification No.II (1)/PW24/2018, dated 24.10.2018 issued by the Public Works Department. As per the said notification, the firkas are categorized as over exploited, critical, semi critical, safe and saline. If the area in question comes under over exploitation or critical category, permission for commercial exploitation will not be given. The petitioner's land is located in critical zone category. Therefore, the petitioner's request cannot be accepted. I am in full agreement with the said submission of the learned Government Advocate, which is based on relevant records. The petitioner has not made out a case for grant of the relief sought for in this writ petition. The writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (W)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Chief Engineer,
Public Works Department,
(Water Resource Organization),
Tharamani, Chennai.

2. The Assistant Engineer,
Public Works Department,
Ground Water Division - I,
Ground Water Sub-Division IV,
Tharamani, Chennai 600 113.

3. The Tahsildar,
Manmangalam Taluk,
Karur District.

+1 CC to M/s.SPL GP (SR-60985[F] dated 15/04/2019)

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