



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.19410 of 2019

and

W.M.P. (MD) .No.15857 of 2019

M.S.Boominathan

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.
- 4.Keela Nagachi Village Panchayat,
represented by its Special Officer,/
Block Development Officer)V.P),
Mandapam Panchayat Union,
Ramanathapuram District.
- 5.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
- 6.M.Ramakrishnan
- 7.Puli @ R.Yogaraj
- 8.P.Ramakrishnan



9.P.R.Bala @ Balakrishnan

10.S.M.K.R.Ravi

11.U.R.Kannan

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take necessary steps to prevent and take legal action against the illegal ground water sucking for the commercial purpose by the respondent Nos.6 to 11 at S.No.6/1, S.No.14/10A, S.No.47/2A2, S.No.30/2B1 and 30/2B2, S.No.33/2A2 and S.No.33/2A1 respectively in Keela Nagachi Village Panchayat, Mandapam Panchayat Union, Ramanathapuram District within a time frame fixed by this Court.

For Petitioner	: Mr.R.Gowrishankar
For Respondents	: Mr.A.K.Baskara Pandian
1 to 3	Special Government Pleader

For Respondent-4	:Mr.S.Dhayalan
	Govt.Advocate

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

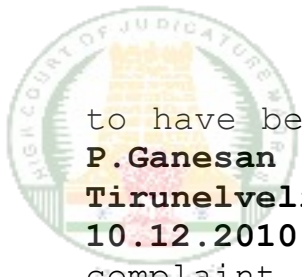
Heard Mr.C.Gowrishankar, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of the respondent Nos.1 to 3 and Mr.S.Dhayalan, learned Government Advocate appearing for the fourth respondent.

2.By consent of either side, this writ petition is taken up for disposal.

3.In the light of the direction we propose to issue, which pertains to exercise of jurisdiction by the respondents 3 and 4, We dispense with the notice to the respondents 6 to 11.

4.The Petitioner has come forward with this Writ Petition to direct the official respondents 1 to 5 to take action against the private respondents from illegally extracting ground water for commercial purpose.

5.Even earlier, such a complaint was received and notices were issued to the persons who are illegally extracting ground water for commercial purpose. However, no further action appears



to have been taken. The Honourable Division Bench in the case of **P.Ganesan .vs. The District Collector, Tirunelveli District, Tirunelveli and others made in W.P(MD)No.11521 of 2010, dated 10.12.2010** has considered the similar issue where there was a complaint against a company manufacturing mineral water by illegally extracting the ground water. The said Public Interest Litigation was entertained and an order of injunction was granted and ultimately, the Writ Petition was allowed, because no permission was obtained from the authorities for exploiting the ground water for commercial purpose. Photographs annexed along with the typed-set of papers shows that exploitation is for commercial purpose. If the said illegality is going within the jurisdiction of the fourth respondent, action should have been initiated. If action is not initiated, then this Court can infer that there is collusion between the fourth respondent and the private respondents. However, We do not wish to express any opinion on this issue at this juncture.

6.In the light of the above discussion, We direct the respondents 3 and 4 to take stringent action so as to prevent illegal extraction of water for commercial purpose, surprise inspection should be conducted and if any illegality is found, stringent action should be taken. If the respondents 3 and 4 requires Police protection, the same shall be provided by the fifth respondent. The above direction shall be complied with within a period of ten days from the date of receipt of a copy of this order.

7.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.



2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

4.The Special Officer,/
Block Development Officer)V.P),
Keela Nagachi Village Panchayat,
Mandapam Panchayat Union,
Ramanathapuram District.

5.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

+1 CC to M/s.R.GOWRISHANKAR, Advocate (SR-85699[F] dated
06/09/2019)

+1 CC to M/s.GP (SR-85914[F] dated 09/09/2019)

vsn

ORDER MADE IN
W.P. (MD) .No.19410 of 2019
and
W.M.P. (MD) .No.15857 of 2019
06.09.2019

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