



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P.(MD).No.19908 of 2019
and
W.M.P.(MD).No.16409 of 2019

V.Vivekananthan

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.
- 3.The Tahsildar,
Kadaladi,
Ramanathapuram.
- 4.The Deputy Superintendent of Police,
Mudhukulathur,
Ramanathapuram.
- 5.The Inspector of Police,
Kadaladi Police Station,
Kadaladi,
Ramanathapuram District.
- 6.M.Vilvadurai
- 7.Adhiyanantham

... 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 legal action against the respondents 6 and 7 for the illegal drawal of water for commercial purpose from the 11 bore wells in various sub divisions of Survey Nos.114, 115, 116, 141, 143, 195 and 197 situate at Melaselvanur Village, Kadaladi Taluk, Ramanathapuram District.

For Petitioner
For R1 to R5

: Mr.C.Arul Vadivel @ Sekar
: Mr.A.Muthukaruppan
Additional Government Pleader



O R D E R

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

Heard Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 to 5.

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

3.This writ petition designed as public interest litigation by a resident of Melaselvanur in Kadaladi Taluk, Ramanathapuram District, alleging that the 6th and 7th respondents are illegally drawing ground water and selling the same for commercial purpose. The representations given by the petitioner to the District Collector, the Revenue Divisional Officer, the Tahsildar and the Deputy Superintendent of Police, Muthukulathur, have not been acted upon. The Inspector of Police, Kadaladi Police Station appears to have enquired into the matter and recorded the statement, wherein it has been stated that there are only two bore wells and the sixth and seventh respondents 6 have stated that they have drawn the ground water to supply the same to their friend Vijaya Mohan, who is having a Coconut grove, within one kilometre distance from the Village.

4.In our considered view, the Inspector of Police, Kadaladi Police Station cannot be expected to independently function and to conduct an enquiry, especially, when the 6th respondent is also a member of the Tamil Nadu Police Force and is also part of the Special Investigation Bureau in Ramanathapuram District. The ground water exploited for commercial purpose has to be immediately curbed. It is not clear as to what is the depth of the bore well. Further, it is not clear as to why the Tahsildar, Kadaladi has not taken any action.

5.Therefore, we direct the Tahsildar, kadaladi, to conduct a surprise inspection of the area with adequate police protection to be provided by the Deputy Superintendent of Police by deputing police officials from some other police station and not from Kadaladi Police Station and if it is found that there is exploitation of ground water for commercial purpose, the electricity supply shall be disconnected and the bore well shall be dismantled. The said exercise shall be complied with within a period of three weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar

Sub Assistant Registrar (CS)

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.
3. The Tahsildar,
Kadaladi,
Ramanathapuram.
4. The Deputy Superintendent of Police,
Mudhukulathur,
Ramanathapuram.
5. The Inspector of Police,
Kadaladi Police Station,
Kadaladi,
Ramanathapuram District.

+1 CC to Mr.C.ARUL VADIVEL @ SEKAR, Advocate (SR-87132[F] dated 17/09/2019)

+1 CC to SPL GP (SR-87554[F] dated 18/09/2019)

W.P.(MD).No.19908 of 2019

and

W.M.P.(MD).No.16409 of 2019

17.09.2019

ns

MK (04.10.2019) 3P 8C