



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11515 of 2018
and W.M.P. (MD) No.10488 of 2018

A.Arulanantham Arulsamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The State Ground & Surface Water Board,
Represented by its Chief Engineer,
Resources Data Centre,
Tharamani, Chennai - 600 113.

3.The General Manager,
District Industries Centre,
Sivagangai.

4.The Designated Officer,
Tamilnadu Food Safety and Drug
Administration Department (Food Safety Wing)
Sivagangai District.

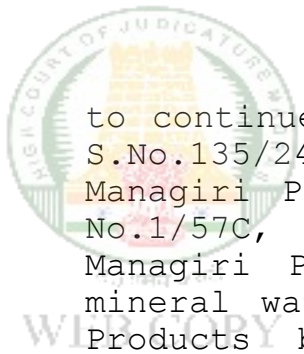
5.The Special Officer,
Thalakkavur Panchayat,
Kallal Panchayat Union,
Sivagangai District.

6.The Superintendent of Police,
Sivagangai,
Sivagangai District.

7.The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents herein to provide adequate safeguards to the petitioner



to continue to run the mineral water business by taking water from S.No.135/24 Plot No.1,2 Arockiya Annai Nagar, Sukanethal Village, Managiri Post, Sivagangai District, instead of S.No.87/1B1A, Door No.1/57C, situated at Patharakudi Road, Thalakkavur Village, Managiri Post, Karaikudi Taluk, Sivagangai District for running mineral water business under name and style of M/s.ARP Aqua Food Products by considering the petitioner's representation dated 11.04.2018 within the time limit fixed by this Court.

For Petitioner :Mr.T.Balakrishnan

For Respondents :Mr.P.Kannithevan
Additional Government Pleader

ORDER

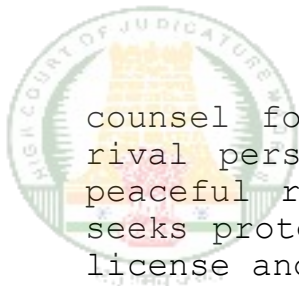
The prayer sought for in this writ petition is for a writ of mandamus to direct the respondents herein to provide adequate safeguards to the petitioner to continue to run the mineral water business by taking water from S.No.135/24 Plot No.1,2 Arockiya Annai Nagar, Sukanethal Village, Managiri Post, Sivagangai District, instead of S.No.87/1B1A, Door No.1/57C, situated at Patharakudi Road, Thalakkavur Village, Managiri Post, Karaikudi Taluk, Sivagangai District for running mineral water business under the name and style of M/s.ARP Aqua Food Products by considering his representation dated 11.04.2018.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The learned counsel for the petitioner would submit that, the petitioner already established a drinking water business in the name and style of ARP Aqua Food Products and for the said purpose, he is drawing water in a Bore Well already established at S.No.87/1A1B, Door No.1/57C, situated at Patharakudi Road, Thalakkavur Village, Managiri Post, Karaikudi Taluk, Sivagangai District.

4. In order to extend his business, he wanted to tap water from another Bore Well to be established at S.No.135/24 Plot No.1,2 Arockiya Annai Nagar, Sukanethal Village, Managiri Post, Sivagangai District, and hence, made a request to the first respondent District Collector on 11.04.2018 and the same has not been decided so far. Therefore, the learned counsel for the petitioner would submit that, insofar as the continuous running of the present business, the petitioner has already obtained license and permission from the necessary authorities and therefore, no one can prevent him from doing the business, which has been lawfully doing.

5. In this regard, it is the submission of the the learned



counsel for the petitioner that, some third parties, who are the rival persons of the same business, trying to interfere with the peaceful running of the business of the petitioner. Therefore, he seeks protection from the respondents, who are the custodian of the license and other permission given to the petitioner.

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6. The learned counsel also in respect of his second prayer, which is consequential, according to him, to consider the representation of the petitioner dated 11.04.2018, under which, sought for permission from the first respondent District Collector to draw water from other Bore Well in other Survey number as referred to above.

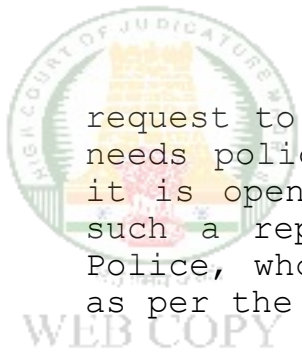
7. I have heard the learned Additional Government Pleader, who would submit that, insofar as the request made by the petitioner dated 11.04.2018 to the first respondent is concerned, the same shall be considered by the first respondent on merits and in accordance with law and a decision would be taken thereon and orders would be passed within a time frame to be stipulated by this Court. He would further submit that, insofar as the other prayer, ie., providing adequate safeguard to the petitioner to continue to run the mineral water business in the place, which suits him to run the business is concerned, if at all the petitioner has got any grievance against any third party by way of interference, he can seek remedy by approaching the civil Court by filing a suit.

8. The learned Government Advocate would also submit that, if at all the petitioner seeks any police protection for running his business smoothly, the respondent police force cannot be utilised for protecting the private entities for business purpose of commercial nature and if that kind of protection is required for some limited period or limited days or hours, the petitioner has to give representation to the District Superintendent of Police and on the basis of the availability of the force and on payment of charges, that would be considered by the Superintendent of Police.

9. I have considered the submissions made by the learned counsel for the parties and have perused the materials placed before this Court.

10. Insofar as the request of the petitioner to consider his representation/application dated 11.04.2018 is concerned, the first respondent is hereby directed to consider the petitioner's representation/application and pass orders on merits, after hearing the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

11. Insofar as the other request of the petitioner that, his running business shall be safeguarded by providing adequate safeguards is concerned, it is for the petitioner to approach the



request to the Superintendent of Police. In case, if the petitioner needs police protection for a particular day or hours or a period, it is open to the petitioner to make such representation and once such a representation is given, it is for the Superintendent of Police, who is the 6th respondent herein to decide it on need basis, as per the norms in this regard on payment of charges.

12. Still, the petitioner has got any grievance over any third parties, apprehending interference from them for smooth running of the aqua water business, it is for the petitioner to seek for appropriate remedy from the appropriate forum in an appropriate procedure.

13. With these observations and directions, this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

- 1.The District Collector,
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Sivagangai District.
- 2.The State Ground & Surface Water Board,
Represented by its Chief Engineer,
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Tharamani, Chennai - 600 113.
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+2 CC to M/s.T.BALAKRISHNAN, Advocate (SR-75268 & 75556 [F] dated 15/07/2019)

+1 CC to M/s.SPL GP (SR-75203[F] dated 15/07/2019)

W.P. (MD) No.11515 of 2018
12.07.2019

JMN(13.12.2019) 5P : 11C