



WEB COPY

W.P(MD)No.17509 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **05.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.17509 of 2018

A.K.Mohamed Abbas

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Cheppak, Chennai.

2.The District Collector,
Pudukottai District, Pudukottai.
Pudukottai.

3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Cantonment, Trichy.

4.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Pudukottai.

5.The Managing Director,
ITC, Vadugapatti,
Vellore Road,
Viralimalai,
Pudukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent Nos.1 to 4 to consider the petitioner's representation dated 18.07.2018 seeing to regulate the drinking water scheme to Viralimalai village people under Ramanathapuram combined water supply scheme within a time stipulated by this Court.

For Petitioner : Mr.Kevinkaran

For Respondents : M/s.Porkodikarnan (for RR1, 3 and 4)
Mr.A.K.Baskarapandian
Special Government Pleader (for R2)
Mr.Krishna Srinivasan
for Mr.C.Muthusaravanan (for R5)



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.Kevinkaran, learned counsel appearing for the petitioner, M/s.Porkodikarnan, learned counsel appearing for the respondents 1, 3 and 4, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the second respondent, Mr.Krishna Srinivasan, learned counsel appearing for the fifth respondent.

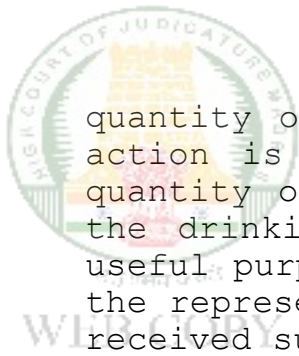
2.This writ petition designed as Public Interest Litigation has been filed to direct the official respondents to regulate the drinking water scheme at Viralimalai Village under Ramanathapuram combined water supply scheme.

3.The petitioner had submitted a representation dated 18.07.2018, by registered post, which was received by the authorities on 19.07.2018. The present writ petition was filed on 02.08.2018, in which, notice has been ordered to the respondents.

4.The third respondent, viz., the Executive Engineer, Tamil Nadu Water Supply and Drainage Board (Ward), had filed a counter affidavit setting out as to how the water supply is being regulated. It is submitted that the supply effected to the fifth respondent industry is out of the industrial allocation and this will not in any way affect the drinking water supply of the general public. The fifth respondent industry has also filed typed set of papers, in which, they have enclosed a letter written by the Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Trichy to the fifth respondent, allocating a specified quantity of water upon payment of requisite funds.

5.The learned counsel appearing for the fifth respondent has drawn the attention of this Court to the Memorandum of Understanding entered into between the Tamil Nadu Water Supply and Drainage Board and the fifth respondent. It is submitted that the supply of water to the fifth respondent is properly regulated as per the terms of the agreement. He further submitted that the fifth respondent industry is not a water industry, which is engaged in packaging of food.

6.The learned counsel appearing for the petitioner on the other hand would submit that since barrels of water are supplied to the industries, the residents of the localities are affected. Drinking water is supplied to them only twice in a week. As noticed above, the representation was given in July 2018 and the present situation as on date has to be taken note of. Furthermore, the petitioner is an individual and the representation submitted by him is not a detailed representation, except to state that large



quantity of water has been supplied to the fifth respondent. The action is justified by the Board stating that it is out of the quantity of water allotted for industrial purpose, will not affect the drinking water supply. In any event, by efflux of time, no useful purpose and that will be served by directing the disposal of the representation dated 18.07.2018, more particularly, when we have received sufficient rainfall in the recent days.

7. Therefore, we dispose of the writ petition by giving liberty to the petitioner to submit a fresh representation to the third respondent with full details and the same shall be considered by the third respondent in accordance with law. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

sji/mrn

To

The District Collector,
Pudukottai District, Pudukottai.
Pudukottai.

+1 CC to Mr.PORKODI KANNAN, Advocate (SR-96155[F] dated 05/11/2019)

+1 CC to M/s.S.RAMASUBRAMANIAM ASSOCIATES, Advocate (SR-96230[F] dated 05/11/2019)

+1 CC to SPL GP (SR-96361[F] dated 06/11/2019)

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MK (21.11.2019) 3P 5C