

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.10857 of 2014

&

M.P.No.1 of 2014

K.Dharmaraj

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Petitioner

Vs.

1.The District Collector,
Tiruppur and District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur.

3.The Revenue Inspector,
Tiruppur and District.

4.The Village Administrative Officer,
No.15, Velampalayam,
Tiruppur.

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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents 1 to 4 from preventing the petitioner to draw, use and supply of the bore well water comprised in S.No.246 situated at No.15, Velampalayam, Tiruppur Taluk and District.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.R.S.Selvam
Government Advocate

ORDER

This writ petition has been filed for a mandamus to forbear the respondents 1 to 4 from preventing the petitioner to draw, use, and supply of the bore well water comprised in S.No.246 situated at No.15, Velampalayam, Tiruppur Taluk and District.

2. It is the case of the petitioner that for his hosiery garment unit, he has been drawing water from the bore

well comprised in S.No.246 situated at No.15, Velampalayam, Tiruppur Taluk and District. According to him, water drawing from the aforesaid bore well is meant for the employees of the petitioner's Hosiery Garment unit at Boyampalayam, P.N.Road, Tiruppur. It is his case that the respondents are illegally preventing the petitioner from using the aforesaid bore well. In such circumstances, this writ petition has been filed.

3. A counter affidavit has been filed by the second respondent stating that the petitioner has been using bore well and drawing water and selling the same without obtaining the prior permission from the second respondent. It is also their case that the petitioner has not used the bore well water for his Hosiery garment unit as alleged by him in his affidavit filed in support of this writ petition.

4. Heard Mr.K.Myilsamy, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondents.

5. Admittedly as seen from the affidavit filed in support of this writ petition, there is no reference to any prior permission obtained by the petitioner for drawing water from the bore well for utilisation of the same by the petitioner's employees at the Hosiery garment manufacturing unit of the petitioner at Poyampalayam, P.N.Road, Tiruppur Taluk and District. It is also seen that there is no proof to show that the petitioner has been using the bore well for his own use. However, the respondents have categorically stated as seen from the counter affidavit filed by the second respondent that the petitioner has been drawing the water from the bore well and selling the same for commercial purpose. Admittedly, as prior permission has not been obtained for drawing of water and selling the same for commercial purpose, there is no merit in this writ petition.

6. It is an admitted fact that for commercial exploitation of water, prior permission will have to be obtained from the competent authority. In the case on hand, since no permission has been obtained by the petitioner, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

1.The District Collector,
Tiruppur and District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur.

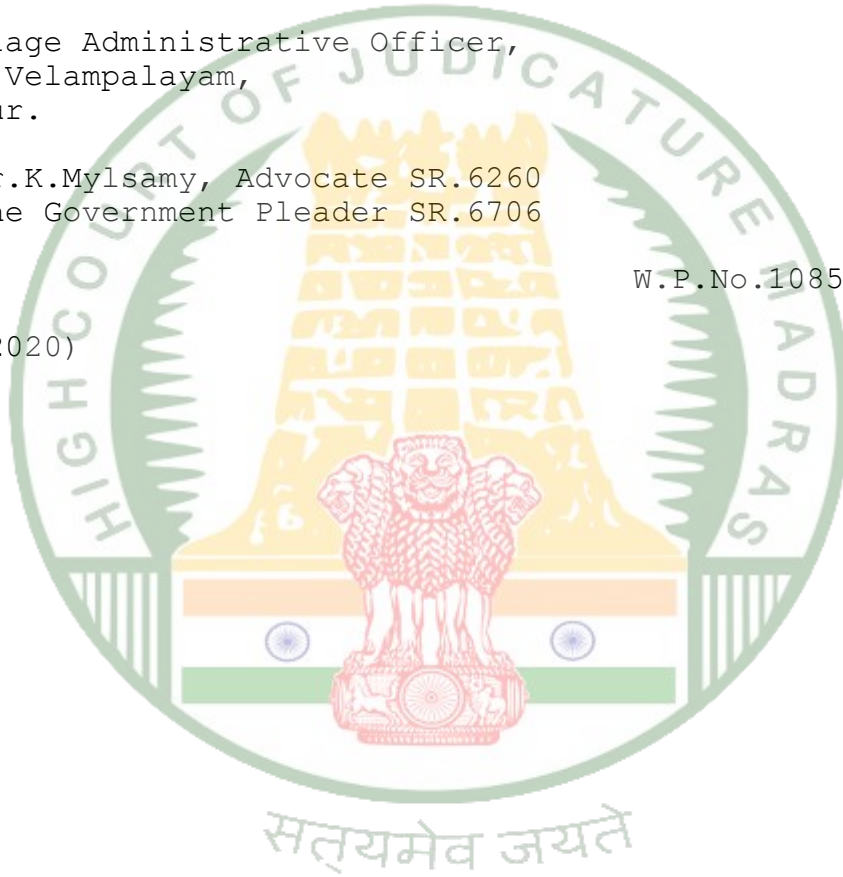
3.The Revenue Inspector,
Tiruppur and District.

4.The Village Administrative Officer,
No.15, Velampalayam,
Tiruppur.

+1cc to Mr.K.Mylsamy, Advocate SR.6260
+1cc to the Government Pleader SR.6706

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GJ(CO)
CB(25/02/2020)



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