

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2020

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17111 of 2020
and
W.M.P.No.21180 of 2020
(Heard through VC)

K.Murugesan,
M/s.Hills Minerals (a proprietorship concern),
No.49/3A1-A2, M.Puthur,
Arisi Periyankuppam Panchayat,
Cuddalore - 607 004. .. Petitioner

-vs-

1.The Chief Engineer, WRD,
State Ground and Surface Water Resources Data Centre,
PWD, Tharamani,
Chennai - 600 113.

2.The Principal Secretary,
PWD Estate,
Chepauk, Triplicane,
Chennai, Tamil Nadu - 600 005.

3.The District Collector,
The Office of the Collector,
Gundu Salai Road, Pennaiyar Road,
Manjakuppam,
Cuddalore - 607 001.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 27.10.2020 after giving an opportunity to the petitioner to put forth his case on merits and pass suitable orders for permitting the petitioner to transport the water drawn from the approved area M/s.Hills Minerals, Thirupapuliur Village, Manjakuppam Firka, Cuddalore Block, Cuddalore Taluk of Cuddalore District to the unit situated at No.49/3A1-A2, M.Puthur, Arisi Periyankuppam Panchayat, Cuddalore - 607 004 for the purpose of purification and packaging.

For Petitioner : Mr.Ganesan

For M/s.Ganesh & Ganesh

For Respondents: Mr.V.Shanmugasundar

Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the first respondent to consider the representation of the petitioner dated 27.10.2020 after giving an opportunity to the petitioner to put forth his case on merits and pass suitable orders for permitting the petitioner to transport the water drawn from the approved area M/s.Hills Minerals, Thirupapuliyur Village, Manjakuppam Firka, Cuddalore Block, Cuddalore Taluk of Cuddalore District to the unit situated at No.49/3A1-A2, M.Puthur, Arisi Periyankuppam Panchayat, Cuddalore - 607 004 for the purpose of purification and packaging.

2. Heard the learned counsel appearing on both sides and perused the materials available on record.

3. The petitioner is seeking permission to transport the water drawn from the approved area of M/s.Hills Minerals, Thirupapuliyur Village, Manjakuppam Firka, Cuddalore Block, Cuddalore Taluk of Cuddalore District to his unit situated at No.49/3A1-A2, M.Puthur, Arisi Periyankuppam Panchayat, Cuddalore. He has also produced a No Objection Certificate No.243/2020 dated 24.08.2020 issued by The Chief Engineer, State Ground and Surface Water Resources Data Centre (SG & SWRDC), P.W.D., Tharamani, Chennai - 113 as per which, the petitioner's unit M/s.Hills Minerals is given the 'No Objection Certificate' for drawal of ground water for the quantity of 70,000 Litres Per Day (LPD) for the purposes of 'Packaged Drinking Water' from the ground water structure from the tube well with strict adherence of stipulated conditions. Based on the same, the petitioner has sent a representation to the first respondent on 27.10.2020.

4. However, the learned Special Government Pleader appearing on behalf of the respondents, upon instructions, states that the representation should have been sent to the Executive Engineer, Water Resource Department, Ground Water Division, Cuddalore, Cuddalore District.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the petitioner to send a representation at the earliest and as and when such representation is received from the petitioner, the Executive Engineer, Water Resource Department, Ground Water Division, Cuddalore, Cuddalore District shall consider it appropriately, enquire into the same and pass appropriate orders, on merits and in accordance with law and also in the light of the No Objection Certificate issued by the Chief Engineer (SG & SWRDC), P.W.D., Tharamani, Chennai, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their

written objections and after verifying the relevant documents, within a period of two weeks thereafter.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chief Engineer, WRD,
State Ground and Surface Water Resources data Centre,
PWD, Tharamani,
Chennai - 600 113.
- 2.The Principal Secretary,
PWD Estate,
Chepauk, Triplicane,
Chennai, Tamil Nadu - 600 005.
- 3.The District Collector,
The Office of the Collector,
Gundu Salai Road, Pennaiyar Road,
Manjakuppam,
Cuddalore - 607 001.
- 4.The Executive Engineer,
Water Resources Department,
Grounds Water Division,
Cuddalore,
Cuddalore District.

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GMR (CO)
GN(19/01/2021)