



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.13642 of 2020

and

W.M.P (MD)Nos.11350 to 11352 of 2020

WEB COPY

Natchikulam Kanmoi Pasanadharargal Sangam,
Represented by its Secretary,
S.Balasubramanian,
(Regn No.111/2019),
Natchikulam,
Karuppatti - Via, 625 205,
Vadipatti Taluk, Madurai District.

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Periyaru Vaigai Basin Division,
Madurai - 2.

3.The Block Development Officer,
Nilakkottai Block Development Office,
Nilakkottai, Dindigul District

4.The President,
Mattapparai Village Panchayat,
Mattapparai, Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, by calling for the entire records, pertaining to the impugned order, passed by the second respondent in Ka.No.18R/VaPa/EvaA2/2020/Ko.14(a)/dated 23.07.2020 and quash the same as illegal and consequently to forbear the respondents 3 and 4 from taking water in the Natchikulam Kanmoi, situated in S.No.45, Natchikulam Village, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.P.Santhana Krishnan

For Respondent

Nos.1 & 2 : Mr.Muthu Geethaiyan,

Special Government Pleader



For Respondent : Mr.K.P.Narayana Kumar,
Nos.3 & 4 Standing Counsel

ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

The petitioner Sangam has come before this Court, challenging the order dated 23.07.2020 passed by the second respondent, in and by which, permission has been granted to the third respondent, to dig bore-well and to lay pipe lines for supplying drinking water to the villagers of Sadaiyamapatti Village, Mattaparai Panchayat, Nilakottai Taluk, Dindigul District.

2.Heard Mr.P.Santhana Krishnan, learned Counsel for the petitioner and Mr.Muthu Geethaiyan, learned Special Government Pleader, who takes notice for respondent Nos.1 and 2 and Mr.K.P.Narayanakumar, learned Standing Counsel, who takes notice for respondent Nos.3 and 4.

3.Though the learned Counsel for the petitioner submitted that if water is drawn by digging bore-well in the middle of the lake, cultivation in their village would be affected, it is the bounden duty of the Government to provide drinking water to the public, as water is the basic and essential requirement for every living being.

4.Vide impugned order dated 23.07.2020, the second respondent, only permitted the third respondent, to dig bore-well and to lay pipe lines for the purpose of providing drinking water to the residents of Sadaiyampatti village. Therefore, the impugned order cannot be set aside and it is the bounden duty of the Government, that too, for a welfare State, to provide the essential requirements to its citizens. Though cultivation is also to be given importance, when compared, drinking water should be given preference than cultivation.

5.In the result, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar (CS)



To

1.The District Collector,
Madurai District,
Madurai.

2.The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Periyaru Vaigai Basin Division,
Madurai - 2.

3.The Block Development Officer,
Nilakkottai Block Development Office,
Nilakottai,
Dindigul District

4.The President,
Mattapparai Village Panchayat,
Mattapparai,
Dindigul District.

+1 CC to SGP (SR-19324[F] dated 07/10/2020)

W.P(MD)No.13642 of 2020

06.10.2020

SJ(CO)

KM (19.10.2020) 3P 6C