

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.702 of 2021

M/s.Perinbam Aqua Farms
Represented by its Proprietor,
Mr.P.Pattu Jebbaraj,
Having office at No.731/2, 731/4-A, Kutharipalayam,
Vellipalayam Road, Karamadai Block,
Sikkadsampalayam, Mettupalayam,
Coimbatore - 641 302. Petitioner

Vs.

1. The Chief Engineer,
Public Works Department/Engineer-in-Chief,
Water Resources Department,
Chennai - 600 009.
2. The Chief Engineer,
State Ground & Surface,
Water Resources Data Centre,
Tharamani, Chennai - 600 113.
3. The District Collector,
Coimbatore.
4. The Tahsildar,
Mettupalayam, Coimbatore. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing the respondents 3 and 4 to remove the seal put up them in petitioner's water manufacturing unit situate at No.731/2, 731/4-A, Kutharipalayam, Vellipalayam Road, Karamadai Block, Sikkadsampalayam, Mettupalayam, Coimbatore in view of the 1st respondent's no objection certificate vide certificate no.307/2020 dated 02.11.2020.

For Petitioner :Mr.Dhalapathy,
for Mr.M.Sriram

For Respondents 1 & 2 : Mr.Arul Doss,
Government Advocate

For Respondents 3 & 4 :Mr.V.Shanmuga Sundar,
Special Government Pleader

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the third and fourth respondents to remove the seal put up in the petitioner's water manufacturing unit situated at No.731/2, 731/4-A, Kutharipalayam, Vellipalayam Road, Karamadai Block, Sikkadsampalayam, Mettupalayam, Coimbatore in view of the 1st respondent's no objection certificate vide certificate no.307/2020 dated 02.11.2020.

2. It is the case of the petitioner that the petitioner water manufacturing unit was sealed, since no objection certificate was not obtained by the petitioner from the first respondent to run the water manufacturing unit. It is the case of the petitioner that thereafter they obtained No objection Certificate from the first respondent on 02.11.2020 for running the unit.

3. Heard Mr.Dhalapathy,, learned counsel for the petitioner, Mr.Arul Doss, learned Government Advocate for the respondents 1 & 2 and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 3 & 4.

4. The matter was listed for admission on 18.01.2021 before this Court. Learned Government Advocate accepted notice on behalf of the respondents 1 and 2 and took time to get instructions with regard to the no objection certificate dated 02.11.2020 obtained by the petitioner from the first respondent for running the water manufacturing unit.

5. Today the learned Government Advocate has placed before this Court, the written instructions received by him on 25.01.2021.

6. As per the written instructions, the statement made by the petitioner in this writ petition that no objection certificate was issued by the first respondent on 02.11.2020 for running the water manufacturing unit is correct. As seen from the letter dated 25.01.2021 sent by the Chief Engineer, WRD, State Ground & Surface Water Resources Data Centre, Public Works Department, Tharamani, Chennai - 600 113 addressed to the District Collector, Coimbatore District, Tamil nadu, the Chief

Engineer has also requested the District Collector to remove the seal from the premises of the petitioner water manufacturing unit. In view of the same, this writ petition will have to be necessarily allowed by directing the respondents to remove the seal from the petitioner's water manufacturing unit forthwith.

7. In the result, this Court directs the third and fourth respondents to remove the seal put up in the petitioner's water manufacturing unit situated at No.731/2, 731/4-A, Kutharipalayam, Vellipalayam Road, Karamadai Block, Sikkadsampalayam, Mettupalayam, Coimbatore forthwith and the writ petition is allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Engineer,
Public Works Department/Engineer-in-Chief,
Water Resources Department,
Chennai - 600 009.

2.The Chief Engineer,
State Ground & Surface,
Water Resources Data Centre,
Tharamani, chennai - 600 113.

3.The District Collector,
Coimbatore.

4.The Tahsildar,
Mettupalayam, Coimbatore.

+1 cc to The Government Pleader, Sr.No. 4605

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JP(CO)
GN(02/02/2021)