

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

Writ Petition No.2569 of 2021

M/s. Aadhi Mineral Water Products  
Represented by its Proprietor  
Murugesan

... Petitioner

vs.

1. The Chief Engineer, WRD  
State Ground &  
Surface Water Resource Date Centre,  
Public Works Department,  
Tharamani, Chennai - 600 113.

2. The Executive Engineer,  
Water Resource Department,  
Ground and Surface Water Resources,  
Cuddalore, Cuddalore District.

3. The Revenue Inspector,  
Tittagudi West, Tittagudi Taluk,  
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to consider the petitioner's Application dated 24.07.2020 with regard to issuance of No Objection Certificate for transporting the water from Bore Well situated at S.F.No.26/13C, 27/1A, 27/2A in Vagaiyur Village & Post, Tittagudi Taluk, Cuddalore District to the Water Unit situated at Survey No.11/1A2 in Edaicheruvai Village, Akkanur Post, Tittagudi Taluk, Cuddalore District based on the petitioner's representation dated 16.12.2020, within a reasonable time period to be fixed by this Court.

For Petitioner : Mr.L.Rajasekar  
for Mr.L.G.Sahadevan  
For Respondents: Mr.M.Loganathan  
Additional Government Pleader  
for R1 & R2  
: Mr.V.Shanmuga Sundar  
Special Government Pleader  
for R3

## ORDER

Mr.M.Loganathan, learned Additional Government Pleader accepts notice for respondents 1 and 2 and Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for the 3rd respondent. Heard Mr.L.Rajasekaran, learned counsel for the petitioner.

2. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider and pass final orders on the petitioner's application, dated 24.07.2020 seeking for issuance of No Objection Certificate for transporting water from the borewell situated at SF No. S.F.No.26/13C, 27/1A, 27/2A in Vagaiyur Village & Post, Tittagudi Taluk, Cuddalore District to the petitioner's water unit situated at Survey No.11/1A2 in Edaicheruvai Village, Akkanur Post, Tittagudi Taluk, Cuddalore District, based on the petitioner's representation dated 16.12.2020, within a time frame to be fixed by this Court.

4. The petitioner claims that he proposes to establish a mineral water unit at Survey No.11/1A2 in Edaicheruvai Village, Akkanur Post, Tittagudi Taluk, Cuddalore District. It is also his case that he already obtained GST registration for the said unit and other statutory authorities have also granted permission for him to set up the said mineral water manufacturing unit. He has applied for permission to the first respondent on 27.04.2020 to draw water from the borewell situated at S.F.No.26/13C, 27/1A, 27/2A in Vagaiyur Village & Post, Tittagudi Taluk, Cuddalore District to his water unit situated at Survey No.11/1A2 in Edaicheruvai Village, Akkanur Post, Tittagudi Taluk, Cuddalore District and transport the same. It is his case that till date, the said application has not been considered. In his affidavit, he also expressed the financial difficulties faced by him, due to the delay in setting up of the water unit. According to him, he has already invested huge amount of money on the said mineral water unit and only due to the non issuance of the permit by the respondents to draw water from the borewell, he is unable to commence the working of the mineral water unit.

5. The relief sought for in this writ petition is an innocuous one. The petitioner has proposed to set up a mineral water unit at Survey No.11/1A2 in Edaicheruvai Village, Akkanur Post, Tittagudi Taluk, Cuddalore District. In the affidavit filed in support of this writ petition, he has also stated that he has obtained permission from various other statutory

authorities for setting up the said mineral water unit. He has submitted an application with the first respondent on 24.07.2020 seeking permission to draw and transport water from borewell situated at SF No. 26/13C, 27/1A, 27/2A in Vagaiyur Village & Post, Tittagudi Taluk, Cuddalore District to the proposed water manufacturing unit of the petitioner situated at Survey No.11/1A2 in Edaicheruvai Village, Akkanur Post, Tittagudi Taluk, Cuddalore District. Admittedly, the said application has not been considered by the first respondent, till date. The petitioner has also given another representation on 16.12.2020 seeking for expeditious disposal of his earlier application, dated 24.07.2020. No prejudice will be caused to the respondents, if the petitioner's application, dated 24.07.2020 seeking permission to draw water from borewell and transport the same to his water manufacturing unit situated at Survey No.11/1A2 in Edaicheruvai Village, Akkanur Post, Tittagudi Taluk, Cuddalore District is considered on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's application, dated 24.07.2020 seeking for transportation of water from the borewell situated at S.F.No.26/13C, 27/1A, 27/2A in Vagaiyur Village & Post, Tittagudi Taluk, Cuddalore District to the water unit situated at Survey No.11/1A2 in Edaicheruvai Village, Akkanur Post, Tittagudi Taluk, Cuddalore District and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vsi2

To:

1. The Chief Engineer, WRD  
State Ground &  
Surface Water Resource Data Centre,  
Public Works Department,  
Tharamani, Chennai - 600 113.
2. The Executive Engineer,  
Water Resource Department,  
Ground and Surface Water Resources,  
Cuddalore, Cuddalore District.

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3. The Revenue Inspector,  
Tittagudi West, Tittagudi Taluk,  
Cuddalore District.

+2cc to Mr.E.Sathiyaraj, Advocate SR.7195 (15/02/2021)

+1cc to the Government Pleader SR.7060

W.P.No.2569 of 2021

LN (CO)  
CB (12/02/2021)



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