

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.03.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3008 of 2020

S.SELVAM,
S/o.Shanmugam,
No.104/2, Kolla Kottai,
Pallipattu, Madanancheri,
Jaffarabad, Vellore,
Vaniyambadi 635 754 ... Petitioner

Vs

- 1 The District Collector
Tirupattur Tirupattur District
- 2 The Revenue Divisional Officer
O/o.Revenue Divisional Office, Vaniyambadi,
Tirupattur,
Tirupattur District
- 3 The Tahsildar,
Vaniyambadi Taluk,
Tirupattur District
- 4 The Village Administrative Officer,
Madanancheri Village,
Vaniyambadi Taluk,
Tirupattur District
- 5 The Revenue Inspector,
Vaniyambadi Town, सत्यमेव जयते
Tirupattur District ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the petitioner representation dated 13.1.2020 and thereby allow the petitioner to extract surplus water from his own well situated in his patta land (Patta No.313) in Old survey No.230/2, New Survey No. 230/2-I to an extent of 0.35 Cents and Old Survey No. 236/1 , New Survey No. 236/1B to an extent of 0.15 $\frac{3}{4}$ Cents totally to an extent of 0.50 $\frac{3}{4}$ Cents at Madanancheri Village, Vaniyambadi Taluk, Tirupattur District and transport the same through tractor to in

and around of Vaniyambadi Taluk to meet out the water scarcity for agricultural purpose, public usage.

For petitioner ... Mr.A.Rajesh Kanna

For Respondents ... Mr.K.Parameshwaran
Government Advocate

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to permit the petitioner to extract the surplus water from his own well situated in his patta land bearing Patta No.313 in Old survey No.230/2, New Survey No. 230/2-I to an extent of 0.35 Cents and Old Survey No. 236/1, New Survey No. 236/1B to an extent of 0.15 $\frac{3}{4}$ Cents totally to an extent of 0.50 $\frac{3}{4}$ Cents at Madanancheri Village, Vaniyambadi Taluk, Tirupattur District and transport the same through tractor in and around Vaniyambadi Taluk to meet out the water scarcity for agricultural purpose and public usage, based on the petitioner's application dated 13.01.2020 within a time frame to be fixed by this Court.

2. The case of the petitioner is that he is the owner of the well situated in the aforementioned property. According to him, the neighbourhood village people who are carrying on agricultural activities requested the petitioner to provide the surplus water from the well belonging to him for their agricultural usage. According to him, he allowed them to extract the surplus water from his well for their agricultural purpose. According to him, he does not use the said water for commercial purpose. He has given representation on 13.01.2020 to the respondents seeking permission to draw water from his well and transport the same for agricultural purpose and public usage. Since the said representation has not been considered, this writ petition has been filed.

3. Heard Mr.A.Rajesh Kanna, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents.

4. The relief sought for in this writ petition is an innocuous one. The petitioner claims that he is the owner of the land where the well is situated. According to him, he intends to draw water from his own well and transport the same and use it for agricultural purposes. He has given a representation on 13.01.2020 to the respondents seeking permission to draw water from his well and use the same for agricultural purpose and public usage. Admittedly, the said representation has not been

considered till date. No prejudice will be caused to the respondents, if the petitioner's representation dated 13.01.2020 is considered on merits and in accordance with law.

5. For the foregoing reasons, this court directs the second respondent to consider the petitioner's representation dated 13.01.2020 seeking permission to draw water from his own well situated at Old survey No.230/2 New Survey No. 230/2-I to an extent of 0.35 Cents and Old Survey No. 236/1 New Survey No. 236/1B to an extent of 0.15 3/4 Cents totally to an extent of 0.50 3/4 Cents at Madanancheri Village, Vaniyambadi Taluk, Tirupattur District and to transport the same for agricultural purpose and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. However, it is made clear that if the permission is granted by the second respondent, the second respondent will have to make it clear that the said water cannot be commercially exploited.

6. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector
Tirupattur Tirupattur District
- 2 The Revenue Divisional Officer
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Tirupattur,
Tirupattur District
- 3 The Tahsildar,
Vaniyambadi Taluk,
Tirupattur District
- 4 The Village Administrative Officer,
Madanancheri Village,
Vaniyambadi Taluk,
Tirupattur District

5 The Revenue Inspector,
Vaniyambadi Town,
Tirupattur District

+1cc to Mr.A.Rajesh Kumar, Advocate, S.R.No. 15790
+1cc to the Government Pleader, S.R.No. 16091

W.P. No.3008 of 2020

GMI (CO)
GN(30/03/2021)



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