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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 5482 of 2021

S.Kandasamy

...Petitioner

Versus

1.The Chief Engineer
Water Resources Department
Public Works Department
Chepauk
Chennai - 600 005

2.The Executive Engineer
Office of the Public Works Department
Avinashi Road
Tirupur
Tirupur District

3.The Tahsildar
Tahsildar Office (South)
Tiruppur District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to issue a "No Objection Certificate" to the petitioner enabling the petitioner to supply of water taking from the open well of the petitioner situated in Survey No. 258 at No. 3/66, Chinnakalipaalayam, Iduvai, Tiruppur District, through tanker lorries for domestic and industrial purpose in and around Tiruppur based on the petitioner's representation dated 23.01.2021 within the time as stipulated by this Hon'ble Court

For Petitioner : Mr. P.S. Kothandaraman

For Respondents : Mr. G. Krishnaraja
Government Counsel

O R D E R

The present writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to issue a "No Objection Certificate" to enable the petitioner to draw water



from the open well from his premises in Survey No. 258 at No. 3/66, Chinnakalipaalayam, Iduvai, Tiruppur District and to supply it through tanker lorries for domestic and industrial purpose in and around Tiruppur area.

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2. According to the petitioner, he owns an agricultural land at Iduvai village measuring an extent of 0.61 hectares comprised in S. No. 258 with one round well. Owing to the formation of Tiruppur Area Development Corporation Limited scheme, water from Bhavani river to Tiruppur is being utilised only for industrial purposes and hence people have to depend only on tanker lorries. It is stated that there is no prohibition for supply of water within the municipal area as contained in Chapter VII of the Tamil Nadu District Municipalities Act. He would further aver that the land owners have provided oil pump sets for drawing water from well which is done in a legal manner. The petitioner therefore made a representation to the respondents on 23.01.2021 seeking to issue No Objection Certificate to enable him to draw and supply water through tanker lorries. However, the petitioner's representation is kept pending without any consideration. Therefore, this Writ Petition.

3. Heard both sides. Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 23.01.2021 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

4. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

dhk

To

1. The Chief Engineer,
Water Resources Department,
Public Works Department,
Chepauk,
Chennai - 600 005.



2.The Executive Engineer,
Office of the Public Works Department,
Avinashi Road,
Tirupur,
Tirupur District.

3.The Tahsildar,
Tahsildar Office (South),
Tiruppur District.

+1cc to Mr.P.S.Kothandaraman, Advocate SR.No.45736

+1cc to the Government Pleader SR.No.46151

W.P. No. 5482 of 2021

AJS(CO)
RVM(29/09/2021)