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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.7194 of 2014
and MP No.1 of 2014

MRS. R. RAJAMANI

...PETITIONER

Vs

- 1 THE DISRICT COLLECTOR,
SALEM DISTRICT, SALEM.
- 2 THE ASSISTANT DIRECTOR ,
TOWN PANCHAYAT, SALEM,
SALEM DISTRICT.
- 3 THE EXECUTIVE ENGINEER ,
PUBLIC WORKS DEPARTMENT/ WATER BOARD,
SARAPANGA SUB DIVISION, NAMAKKAL.
- 4 THE TAHSILDAR,
GANGAVALLI TALUK, GANGAVALLI,
SALEM DISTRICT.
- 5 THE ASSISTANT ENGINEER
PUBLIC WORKS DEPARTMENT, ATTUR,
ATTUR TALUK,
SALEM DISTRICT.
- 6 THE PRESIDENT,
GANGAVALLI TOWN PANCHAYAT,
GANGAVALLI TALUK, SALEM DISTRICT.
- 7 THE EXECUTIVE OFFICER
GANGAVALLI TOWN PANCHAYAT,
GANGAVALLI TALUK,
SALEM DISTRICT.

...RESPONDENTS

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 17.2.2014.



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For Petitioner : Mr.Syed Musthaba
for Mr.L.Rajendran

For Respondents : Mr.V.Veluchamy (for R1 to R5)
Government Advocate

R6 dismissed vide order dt. 01.10.15

Mr.P.Chinnadurai (for R7)

O R D E R

The relief sought for in the present writ petition is to direct the respondents to consider the petitioner's representation dated 17.02.2014.

2. Even to issue a direction to consider the representation, the petitioner has to establish a right. The representation reveals that the petitioner along with others raised an objection for extracting water nearby Veppanthattai Lake.

3. The Executive Officer, Gangavalli Town Panchayat, filed a counter affidavit stating that in order to provide water supply to the Gangavalli Town Panchayat, a well was dig up near to the Veppanthattai lake and water was pumped from the said well to supply the same to the general public of the Gangavalli Town Panchayat. The petitioner already submitted representation to the District Collector on 17.02.2014 in 'Monday Petition', which was forwarded to the 7th respondent.

4. The 7th respondent also submitted a reply to the District Collector. It is contended that as Gangavalli Town Panchayat in Salem District is a Taluk headquarters, it encompasses several government offices and institutions like Teachers' Training Centre, Boys & Girls High School etc. Therefore, apart from the regular population, the Town Panchayat was also to provide drinking water for more than 2000 moving population. Cumulatively, the town panchayat has to provide drinking water supply to more than 15,000 people daily.

5. As per the proceedings in Ref. Na.Ka.No.2158/2000/ENV2 dated 26.07.2002 on the file of the Administrative Engineer, TWAD Board, Thiruchengode, the water supplying unit situated near to Valasakalpatti lake, Krishnapuram Panchayat was handed over to the Gangavalli Town Panchayat. The said water unit provides 8 lakh litres of water per day to the general public. But due to the drought that prevailed after the year 2010, the Gangavalli Town Panchayat was able to get only 2 lakh litres of water per day. Therefore, there was shortage in supply of water, which leads the people to go for road roko and hunger



strike. In order to manage the water problem, it was decided by the Panchayat Council to put up a bore well in the place owned by the Gangavalli Town Panchayat, inside the pumping station premises. Permission was also obtained from the Assistant Director of Panchayat and bore well was set up in the said place and the Gangavalli Town Panchayat is receiving 2 lakhs litres of water per day and the same is supplied to the general public. Now, the Panchayat is functioning without any hindrance like hunger strike etc.

6. This Court is of the considered opinion that providing drinking water is a constitutional obligation of the State. The water resources are to be periodically developed for the purpose of providing drinking water to the people residing in a particular locality. The authorities competent are duty bound to monitor the population and accordingly provide water supply to cater the needs of the people of that locality.

7. Water is life. Without water no creature can live in this world. Water being life, it is an integral part of Article 21 of the Constitution of India. Thus, providing of drinking water can never be objected and in the present case, the respondents have taken steps to provide drinking water taking into account the fact that there are moving population in the said Panchayat.

8. This being the factum established this Court is of the considered opinion that the writ petitioner has not established even a semblance of legal right to consider the relief as such sought for in the writ petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1 THE DISRICT COLLECTOR,
SALEM DISTRICT, SALEM.
- 2 THE ASSISTANT DIRECTOR ,
TOWN PANCHAYAT, SALEM,
SALEM DISTRICT.



3 THE EXECUTIVE ENGINEER ,
PUBLIC WORKS DEPARTMENT/ WATER BOARD,
SARAPANGA SUB DIVISION, NAMAKKAL.

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GANGAVALLI TALUK, GANGAVALLI,
SALEM DISTRICT.

5 THE ASSISTANT ENGINEER
PUBLIC WORKS DEPARTMENT, ATTUR,
ATTUR TALUK,
SALEM DISTRICT.

6 THE EXECUTIVE OFFICER
GANGAVALLI TOWN PANCHAYAT,
GANGAVALLI TALUK,
SALEM DISTRICT.

+1cc to Mr.P.Chinnadurai, Advocate, S.R.No.47795

+1cc to Mr.L.Rajendran, Advocate, S.R.No.47446

WP No.7194 of 2014

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NSK 20/10/2021