



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21681 of 2014

M.Ganesan

.. Petitioner

Versus

1. The State of Tamilnadu rep., by
The District Collector
Vellore District
Collectorate, Sathuvachari
Vellore - 632 009.
2. Assistant Commissioner
Zone - I
Vellore Corporation
Tarapadavedu,
Vellore - 632 007.
3. Executive Engineer (PWD)m
Water Resource Organisation,
Ground Water Division,
Vellore - 632 004.
4. Theagarajan

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 1st, 2nd and 3rd respondents to prevent the 4th Respondent from illegally drawing groundwater from his plot for commercial purposes.

For Petitioner : Mr. R. Pandian

For R1 to R3 : Mr.G.Krishnaraja, Government Advocate

O R D E R

The petitioner seeks to issue a Mandamus directing the respondents 1 to 3 to forbear the fourth respondent from illegally drawing water for commercial purpose by erecting a bore well in his land.



2. Pointing out that groundwater is being illegally drawn by the fourth respondent for commercial purpose and thereby the ground water in the locality is depleted, the petitioner made a representation dated 25.06.2014 to the respondents with a request to prevent the fourth respondent from exploiting the natural resource for commercial gain. According to the petitioner his repeated representation sent to the respondents 1 to 3 did not evoke any response and therefore, he has come forward with this writ petition.

3. The learned counsel for the petitioner submitted that on 12.02.2007, the petitioner submitted a representation to the first respondent during the Grievance Day meeting and in response, the Executive Officer, Tarapadavedu Municipality in his communication dated 09.04.2007 warned the fourth respondent from drawing water for commercial purpose and to stop such acts forthwith. However, the fourth respondent continued to draw ground water and sells it to commercial tanker lorries. Therefore, the petitioner along with the residents of fifth and seventh street of Rajiv Gandhi Nagar submitted a representation dated 26.04.2010 to the first respondent to conduct an inspection and to take appropriate action against the fourth respondent. On receipt of the same, the Executive Officer of Tarapadavedu Municipality addressed a communication dated 07.05.2010 to the first respondent in which it was stated that during an enquiry, the fourth respondent has stated that he is drawing water only for his personal use and denied having exploited the drinking water for any commercial purpose. Again, on 24.05.2010, the residents of Rajiv Gandhi Nagar sent a representation to the Executive Engineer, Tamil Nadu Electricity Board to disconnect electricity service connection to the fourth respondent, but by a communication dated 12.06.2010 the Executive Engineer refused to disconnect the electricity service connection on the basis of the complaint dated 24.05.2010. Again on 27.06.2014, the petitioner submitted a representation to the Zonal Engineer attached to the Vellore Municipality to take appropriate action against the fourth respondent complaining that the fourth respondent sells drinking water to water tankers for commercial use. In response, the Assistant Commissioner of Vellore Municipality, by communication dated 22.07.2014, assured the petitioner to take appropriate action. However, so far, no action has been taken thereof. The learned counsel for the petitioner also brought to the notice of this Court the photographs enclosed along with the typed set of papers showing water tanker lorries stationed in front of the house of the fourth respondent. Therefore, the learned counsel for the petitioner prayed this Court to direct the respondents 1 to 3 to forbear the fourth respondent from in any manner drawing ground water for the purpose of commercial sale forthwith.



4. On the above contentions of the learned counsel for the petitioner, this Court heard the learned Government Advocate appearing for the respondents 1 to 3, who is not in a position to say as to whether any action has been taken on the basis of the representation dated 25.06.2014 of the petitioner or not. However, he would submit that appropriate action will be taken on the basis of the representation dated 25.06.2014 of the petitioner within a stipulated time.

5. Taking note of the above submission of the counsel for both sides, without going into the merits of the submissions of the counsel for the petitioner as to the alleged violations said to have been committed by the fourth respondent, the second respondent is directed to consider the representation dated 25.06.2014 of the petitioner independently, after affording an opportunity of hearing to the petitioner, fourth respondent and other persons concerned and pass orders thereof on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The State of Tamilnadu rep., by
The District Collector, Vellore District,
Collectorate,
Sathuvachari
Vellore - 632 009.
2. The Assistant Commissioner,
Zone - I,
Vellore Corporation,
Tarapadavedu,
Vellore - 632 007.



3. The Executive Engineer (PWD)m
Water Resource Organisation,
Ground Water Division,
Vellore - 632 004.

WEB COPY

+1CC to the Government Pleader, High Court,
Madras, Sr.No.35610

W.P.No.21681 of 2014

EV (CO)

K.RK. (24.08.2021)