

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.03.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.18736 of 2020
and W.M.P.Nos.23271 and 23272 of 2020

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

.... Petitioner

Vs.

1. The Chief Engineer, WRD,
State Ground and Surface Water Resource Date Centre,
Public Works Department,
Tharamani, Chennai 600 113.
2. The Executive Engineer,
Water Resource Department,
Ground and Surface Water Resources,
Cudalore.
3. The Revenue Inspector,
Tittagudi West,
Tittagudi Taluk,
Cuddalore District.
4. The Block Development Officer (VP),
Panchayat / Municipality Corporation,
Water Resources Department,
Mangalur, Cuddalore District.
5. The Zonal Block Development Officer (VP),
Panchayat / Municipality Corporation,
Water Resources Department,
Mangalur, Cuddalore District

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus, to call for the entire records, relating to the first respondent in proceedings in Lr.No.OT9/DDG/AG3/NOC - Cuddalore / 2019 dated 30.10.2019 and quash the same, consequently directing the first respondent to issue No Objection Certificate for Ground Water Clearance for the petitioner's Bore Well situated in S.F.No.11/1A2 of Edaicheruvai Village in Tittagudi Taluk of Cuddalore District by considering the petitioner's representation dated 22.11.2019.

For Petitioner : Mr.L.G.Sahadevan
For Respondents : Mr.K.Parameshwaran,
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 30.10.2019 passed by the first respondent rejecting the petitioner's request to the fourth respondent for 'No Objection Certificate' for drawal of ground water from his bore well located at S.F.No.11/1A2 of Edaicheruvai Village in Tittagudi Taluk of Cuddalore District for the purpose of utilising the same to his water manufacturing unit running in the name and style of M/s.Aadhi Mineral Water Products in the same Village on the ground that the petitioner has not satisfied with the Spacing norms (from the applicant bore well to nearest irrigation dug well).

2. The petitioner has challenged the impugned order primarily on the ground of violation of principles of natural justice. According to him, the petitioner satisfies the spacing norms. However, according to him, arbitrarily, without affording a fair hearing to the petitioner, the impugned order has been passed rejecting the petitioner's application seeking for drawal of water from his bore well for the purpose of utilising the same for his water manufacturing unit by name M/s.Aashi Mineral Water Products in the same village.

3. Heard Mr.L.G.Sahadevan, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate appearing for the respondents.

4. Admittedly, there is no reference to any prior notice having been given to the petitioner under the impugned order dated 30.10.2019 rejecting the petitioner's application seeking for drawal of water from his bore well for the purpose of utilising the same for his water manufacturing unit by name M/s.Aadhi Mineral Water Products. in the same Village.

5. As seen from the affidavit filed in support of this Writ Petition, the petitioner claims that he has satisfied the spacing norms. Before this Court, the petitioner has filed several documents to substantiate his case that he has satisfied the spacing norms. However, the said documents which have been placed by the petitioner before this Court have not been considered by the first respondent under the impugned order. Therefore, this Court is of the considered view that principles of natural justice has been violated by the first respondent by

not affording a fair hearing to the petitioner and by not giving due consideration to the documents filed by the petitioner before this Court. Hence, the impugned order passed by the first respondent will have to be necessarily quashed and the matter remanded back to the first respondent for fresh consideration on merits and in accordance with law.

6. For the foregoing reasons, the impugned order dated 30.10.2009 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration and the first respondent shall pass final orders on the petitioner's representation seeking for permission of drawal of water from his bore well situated at S.F.No.11/1A2 of Edaicheruvai Village in Tittagudi Taluk of Cuddalore District for the purpose of utilising the same in his water manufacturing unit by name M/s.Aadhi Mineral Water Products in the same Village and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and also by permitting the petitioner to place all documentary evidence in support of his case, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

srn

To

1. The Chief Engineer, WRD,
State Ground and Surface Water Resource Date Centre,
Public Works Department,
Tharamani, Chennai 600 113.
2. The Executive Engineer,
Water Resource Department,
Ground and Surface Water Resources,Cudalore.
3. The Revenue Inspector,
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4. The Block Development Officer (VP),
Panchayat / Municipality Corporation,
Water Resources Department,
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5. The Zonal Block Development Officer (VP),
Panchayat / Municipality Corporation,
Water Resources Department,
Mangalur, Cuddalore District.

+5CCs to Mr.L.G.Sahadevan Advocate, SR No. 13966.

+1CC to The Government Pleader SR No. 14232.

W.P. No.18736 of 2020
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SR-II (CO)
NRA(09/03/2021)