



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2021

Coram :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 22121 of 2021

and

W.M.P. Nos. 23343, 23346 & 23348 of 2021

M/s. Quality Glue Factory
Rep. By its Manager Mr.T.S.Sukkinder
Baloor Village,
Kothur Post (Omerabad - Via)
Pernambut Taluk,
Vellore District.

.. Petitioner

Versus

- 1.The Government of Tamil Nadu
Rep. by its Secretary,
Public Works Department,
Secretariat, Fort St.George,
Chepauk, Chennai - 600 009.
- 2.The Central Ground Water Authority
Rep. by its Chairman,
Ministry of Jal Shakthi,
Department of Water Resources,
River Development and Ganga Rejuvenation
6th Floor Cabin, Shram Shakti Bhawan,
Rafi Marf, New Delhi - 110 001.
- 3.The State Ground and Surface Water
Resources Data Centre,
Rep. by its Chief Engineer, WRD
Public Works Department,
Tharamani, Chennai - 600 113

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned Letter dated 25.09.2020, in Lr.No.OT9/DD(G)/AG-VI/Fresh NOC/2020 of the third respondent and quash the same and consequentially, direct the third respondent not to insist for any No Objection Certificate and refrain from interfering with peaceful functioning of the petitioner industry.

For Petitioner

: Mr. Murali Kumaran
for M/s.McGan Law Firm

For Respondents

: Mr.Stalin Abhimanyu,
Government Counsel



ORDER

This writ petition has been filed praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the Letter dated 25.09.2020 of the third respondent, quash the same and consequentially, direct the third respondent not to insist for any No Objection Certificate and refrain from interfering with peaceful functioning of the petitioner industry.

2. The petitioner industry was established in the year 1985 and it is functioning with due consent from the Tamil Nadu Pollution Control Board from time to time. The locality in which the petitioner factory was established, was earlier classified as semi-critical area till 2014 and thereafter, by virtue of G.O. Ms. No.142, Public Works Department dated 23.07.2014, it was classified as over-exploited area. Pursuant to such change in the classification of the locality, the Central Ground Water Authority issued a notification dated 24.09.2020 stating that the industries established in over-exploited area have to obtain No Objection Certificate for withdrawal of water and pay necessary fees for consumption of water. According to the petitioner, the notification dated 24.09.2020 will be applicable only to new industries set up after the date of notification and not to the petitioner industry, which is in existence from 1985. Even though there is no necessity for the petitioner to obtain No Objection Certificate, they applied for such certificate to the Public Works Department through an application dated 23.09.2020. On receipt of the application, the first respondent passed the impugned order dated 25.09.2020 rejecting the application of the petitioner by citing G.O. Ms.No.161 dated 23.10.2019.

3. The learned counsel appearing for the petitioner assails the order dated 25.09.2020 mainly on the ground that it was passed without affording an opportunity of hearing to the petitioner. It is further stated that the impugned order is a non-speaking order without any application of mind. It is his further contention that the impugned order is bereft of any material particulars or reason for rejection of the application of the petitioner. He therefore prayed this Court to set aside the impugned order and to remand the matter back to the first respondent to afford opportunity to the petitioner before passing any order.

4. The learned Government Counsel, who accepts notice on behalf of the Respondents, fairly submitted that third respondent would pass an order afresh, after hearing the petitioner and upon examining the documentary evidence that may be produced by them.

5. In view of the facts and circumstances of the case, more particularly, that paragraph 3(II)(3) of G.O.Ms.No.142 Public Works (R2) Department, dated 23.07.2014 specifically states that no objection certificate is required for drawal and transportation of ground water for industries, however, the



same will not apply to the existing industries, and having regard to the submissions made by the learned counsel on either side, the impugned order dated 25.09.2020 passed by the third respondent is set aside. The matter is remanded back to the third respondent for fresh consideration. The third respondent is directed to pass a speaking order on merits and in accordance with law, after affording opportunity of personal hearing to the Petitioner. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

- 1.The Secretary,
Public Works Department,
Secretariat, Fort St.George,
Chepauk, Chennai - 600 009.
- 2.The Chairman,
Central Ground Water Authority
Ministry of Jal Shakthi,
Department of Water Resources,
River Development and Ganga Rejuvenation,
6th Floor Cabin, Shram Shakti Bhawan,
Rafi Marf, New Delhi - 110 001.
- 3.The Chief Engineer,
State Ground and Surface Water
Resources Data Centre,
Public Works Department,
Tharamani, Chennai - 600 113.

+1cc to M/s.McGan Law Firm, Advocate, S.R.No.56065
+1cc to the Government Pleader, S.R.No.56172

WP No. 22121 of 2021

KSM(CO)
SB(23/11/2021)