

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.22365 of 2019

South Chennai Private Water Lorry
Owners Association
Rep. by its Secretary P.Saravanan
No.2/1227, Pallavaram to Thoraipakkam
200 feet Road, Kovilambakkam,
Chennai- 600129.

... Petitioner

Vs.

1.The District Collector
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer
Tambaram,
Kancheepuram District.

3.The Revenue Divisional Officer
Chengalpattu,
Kancheepuram District.

4.The Tahsildar
Sholinganallur Taluk,
Kancheepuram District.

5.The Tahsildar
Tambaram Taluk,
Kancheepuram District.

6.The Tahsildar
Thiruporur Taluk,
Kancheepuram District.

7.The Tahsildar
Chengalpet Taluk,
Kancheepuram District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents, their officials from initiating any action against the members of the association while transporting water in lorries.

For Petitioner :Mr.S.Udhayakumar
For Respondents :Mr.V.Jayaprakash Narayanan
State Government Pleader

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner seeks permission to transport water in lorries on behalf of the members of the petitioner association.

2. It is stated that there are 425 members in the petitioner association and that such members operate about 2000 lorries to transport water to the public, including IT companies, hospitals and the like. The petitioner states that all its members draw water from agricultural wells, which are not used for cultivation purposes, and that such extraction does not affect the ground water table. It is further asserted that the official respondents frequently intercept these lorries and harass the members of the association on the ground that the water has been extracted from bore wells. In spite of submitting a representation on 18.07.2019, no action has been taken thereon and, therefore, the present writ petition has been filed

3. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, submits, on instructions, that various approvals are required both for the extraction of ground water and for the transportation thereof. In case individual members of the petitioner association possess the requisite approvals, the transportation of water by such persons would not be prevented by the official respondents. On the other hand, the present petition has been filed by the association and the petition does not contain averments to the effect that the requisite approvals have been obtained by the members of the association. Consequently, he submits that the writ petition is liable to be dismissed.

4. On the basis of the facts set out in the affidavit in support of the writ petition, an order of the kind requested for by the petitioner association cannot be granted because there is no basis to conclude that the members of the petitioner association have the requisite approvals from the authorities concerned.

5. Nonetheless, the members of the petitioner association who possess the necessary approvals are permitted to seek permission from the Tahsildar concerned for transporting water by lorries. The necessary documentary proof of having obtained necessary approvals shall be enclosed with such individual applications.

6. Subject to the above observation, W.P.No.22365 of 2019 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rrg

To:

- 1.The District Collector
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+1 cc to Government Pleader Sr No.22473

W.P.No.22365 of 2019

GPL (CO)

RG.22.04.2021 (3P/9C)