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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.21158 of 2017
and W.M.P.No.22034 of 2017

Ponraju

...Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Thiruppur District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Near Government Arts College,
Udumalpet.
3. The Thasildar,
Office of the Tahsildar,
Udumalpet, Thiruppur District.

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, forbearing the respondents from taking water from the Plot No.17 at Sri Sithandeeswarar Garden, Chinnaveerampatti Village, Udumalpet Taluk, Thiruppur District and the same is supplied to the cattle and agricultural lands belongs to the relatives to the petitioner herein.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

This Writ Petition has been filed, forbearing the respondents from taking water from the Plot No.17 at Sri Sithandeeswarar Garden, Chinnaveerampatti Village, Udumalpet Taluk, Thiruppur District and the same is supplied to the cattle and agricultural lands belongs to the relatives to the petitioner herein.

2.The case of the petitioner is that, the water extracted from the borewell situated in the petitioner's land is used only for the cattle and coconut trees belongs to the relatives of the



petitioner. However, the respondents 2 and 3, under the wrong assumption that the petitioner is selling the water for commercial purpose, preventing the petitioner from taking water from the borewell. Hence, the Writ Petition has been filed.

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3.The learned counsel for the petitioner would submit that the petitioner never sold the water for commercial purpose. The borewell water is used only for cattle and coconut trees belongs to the petitioner's father-in-law and other relatives.

4.The learned Special Government Pleader appearing for the respondents would submit that, if the petitioner use the water for the agricultural purpose alone, the respondents have no necessity prevent him.

5.Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on records.

6.Upon hearing, it appears that, the petitioner's father-in-law taking the water from the petitioner's borewell for his cattle and coconut trees and other relatives of the petitioner is also using the water. Therefore, this Court is of the view that the petitioner is certainly entitled to use the water for the agricultural purpose. On the other hand, if the petitioner is selling the water, the respondents have all the right to restrict the petitioner from selling the water for commercial purpose. At the same time, the respondents is directed not to prevent the petitioner, if the water is used for his father-in-law's cattle and coconut trees and other agricultural activities.

7.With the above direction, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Office of the District Collector,
Thiruppur District.



2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Near Government Arts College,
Udumalpet.

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3. The Thasildar,
Office of the Tahsildar,
Udumalpet, Thiruppur District.

+1cc to the Government Pleader, S.R.No.65286

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and W.M.P.No.22034 of 2017

EV(CO)
CT 06/01/2022