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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29277 of 2019

V.Venugopal

... Petitioner

Vs.

1. The Chief Secretary to Government of Puducherry,
Union Territory of Puducherry,
Chief Secretariat,
Puducherry.
2. The Member Secretary,
Puducherry Ground Water Authority,
Third Cross Extension,
Mariamman Nagar, Karamanikuppam,
Puducherry - 605 004.

3. Shamugam

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certorari to call for the records pertaining to the impugned permission granted by the 2nd Respondent to dig the bore well vide No35/PGWA/PERMIT/AGRI-RTW/2019-20 dated 06.08.2019 and quash the same.

For Petitioner : Mr.R.Mugundhan

For Respondent R1 and R2 : Mrs.V.Usha
Additional Government Pleader

For Respondent R3 : Mr.R.Dhanasekar

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certorari to call for the records



pertaining to the impugned permission granted by the 2nd Respondent to dig the bore well vide No.35/PGWA/PERMIT/AGRI-RTW/2019-20 dated 06.08.2019 and quash the same.

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2. Heard the arguments advanced on either side.

3. The case of the petitioner is that the petitioner is cultivating the agricultural land of extent 1.78 hectares. There is existing bore well with motor in the said land from the year 1985 and the water has been used to irrigate the land. The adjacent land of 53 kuzhies belongs to third respondent and he made preparations to dig a bore well in his land within 25 metres from the existing bore well in the petitioner's land which is in existence from 1985. Petitioner gave an oral complaint to the SHO, Villianur Police Station, Puducherry and the 3rd respondent produced the photocopy of the permission order granted by the 2nd respondent to dig the bore well vide No.35/PGWA/PERMIT/AGRI-RTW/2019-20 dated 06.08.2019. The grant of permission by the 2nd respondent for digging a new bore well is contrary to the G.O.Ms.No.30/Ag., dated 02.02.2005 issued by the Government of Puducherry. It is further submitted that the objection letter was given by the petitioner to the 2nd respondent with copy marked to the 1st respondent on 14.09.2019 objecting the grant of permission to the 3rd respondent to dig the bore well which is against the G.O.Ms.No.30/Ag., dated 02.02.2005. But till date, the respondents have not considered the objection letter of the petitioner. Hence, this writ petition.

4. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's objection letter in consonance with the G.O.Ms.No.30/Ag., dated 02.02.2005 within a particular time frame as may be fixed by this Court.

5. In view of the limited request made by the learned counsel appearing for the petitioner, this Court directs the second respondent to consider the objection letter of the petitioner dated 14.09.2019 in the light of the G.O.Ms.No.30/Ag., dated 02.02.2005 on merits and in accordance with law after hearing parties and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order after hearing the third respondent.



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6.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

skt

To

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2. The Member Secretary,
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PCH(CO)
SU(01/12/2021)