



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11560 of 2021

Amman Aqua Products Rep. by its
Managing Partner Mr.S.Govindarajan
S/o S.Subramanian,
35/76, Malluga Chetti Street,
Kumbakonam - 612 001, Thanjavur District.

... Petitioner

Vs.

1.The Chief Engineer,
State Ground Water & Surface Water Resources Data Centre,
Public Works Department,
Tharamani, Chennai - 600 113.

2.The Executive Engineer,
PWD,
Ground Water Division,
Railway Building, No.102, Vallam Road,
Tanjore - 613 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant NOC to the petitioner for drawal and transportation of water from any nearby safe and semi-critical areas within time frame as even observed in the Division Bench order, dated 11.11.2020, passed in W.P.No. 16299 of 2018 besides granting such NOC to similarly situated water units in Thanjavur District.

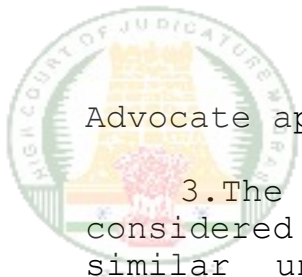
For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents : Mr.R.Suresh Kumar
Government Advocate

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents to grant No Objection Certificate to the petitioner for drawal and transportation of water from the Safe and Semi-Critical area and to bring it to the unit of the petitioner for purification.

2.Heard Mr.K.Ravi Anantha Padmanaban, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government



Advocate appearing for the respondents.

3.The issue involved in the present writ petition has been considered in detail by this Court in W.P.(MD).No.8530 of 2021 and similar unit had approached this Court, seeking for similar directions. This writ petition was disposed by an order dated 12.07.2021. The relevant portions of the order are extracted hereunder:

"8.The only issue that has been urged before this Court is that the water units, which are situated in the Critical and Over Exploited area can continue with their operations of purifying water by bringing the water from the Safe and Semi-Critical area. For this purpose a No Objection Certificate must be taken from the concerned authority and the unit must satisfy the conditions imposed by the authority in line with the proceedings of the District Collector, dated 07.04.2020.

9.In order to substantiate this claim made by the petitioner, the copy of the No Objection Certificate granted by the PWD in favour of one M/s.Pure One Products was also produced before this Court. It is seen from records that the said M/s.Pure One Products was also having the unit in the Critical and Over Exploited area like that of the petitioner. They have applied for No Objection Certificate to the PWD to draw water from the area falling under the Safe and Semi-Critical area and to bring it to their unit for purification. Such a No Objection Certificate has been granted by the PWD by imposing certain conditions. The relevant proceedings of the PWD was also placed before this Court.

10.In the present case, the petitioner wants to draw water from a safe zone situated at Chozhan Maligai, Patteeswaram Village, Thanjavur District. The petitioner has entered into a lease agreement with the owner of the property in this regard, on 22.04.2020. The same has also been filed in the typed set of papers. According to the petitioner, this area falls under the safe zone and therefore, the petitioner must also be granted No Objection Certificate to draw water from this area and to bring it to his unit for purification.

11.In the considered view of this Court, a similarly placed unit namely M/s.Pure One Products has been granted Renewal of No Objection



Certificate by the PWD Department under similar circumstances. Therefore, the case of the petitioner should also be considered in line with the said M/s.Pure One Products and the No Objection Certificate can be granted subject to the petitioner satisfying all the conditions."

WEB COPY

4.In view of the above discussion, there shall be a direction to the petitioner to make a fresh representation to the second respondent and the second respondent on receipt of the representation shall consider granting No Objection Certificate to the petitioner in line with the proceedings of the District Collector, Thanjavur District, dated 07.04.2020, by imposing the necessary conditions, within a period of four weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chief Engineer,
State Ground Water & Surface Water Resources Data Centre,
Public Works Department,Tharamani, Chennai - 600 113.

2.The Executive Engineer,
PWD,
Ground Water Division,
Railway Building, No.102, Vallam Road,Tanjore - 613 007.

+1 CC to M/s.SPL GP (SR-22520[F] dated 14/07/2021)

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MGJ(23.07.2021) 3P 4C