



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17216 of 2021

and

W.M.P. (MD)No.14088 of 2021

WEB COPY

K.M.Jamal Mydeen

... Petitioner

Vs.

1.The Chief Engineer cum State Ground and Surface
Water Resource Centre,
Tharamani, Chennai.

2.The Block Development Officer (Panchayat),
Melur Village Panchayat Union, Madurai.

3.The President,
Pudhusukkampatti Village Panchayat,
Melur Village Panchayat Union,
Madurai District.

... Respondents

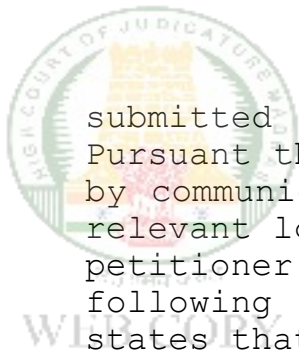
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to issue necessary No Objection Certificate to extract water and transporting the same from the bore well proposed to be dug in the petitioner's property in S.F.Nos.185/3B1A1 and 185/2C1A of Pudhusukkampatti Village, Melur Taluk, Madurai District within a time stipulated by this Court.

For Petitioner	:	Mr.K.Baalasundharam
For R1	:	Mr.P.Subbaraj Counsel for State
For R2	:	Mr.A.Baskaran Standing Counsel

ORDER

The petitioner seeks a direction to the third respondent for issuance of a No Objection Certificate for the extraction and transportation of water from the bore well proposed to be dug in the petitioner's property.

2.The petitioner states that he intends to undertake the business of establishing and operating a purified water plant. For such purpose, the petitioner intends to dig a bore well. In connection therewith, he obtained a No Objection Certificate from the Revenue Inspector of the Melur Firka and requested the third respondent for a No Objection Certificate. Since the third respondent did not take action, it is stated that the petitioner



submitted an application to the first respondent on 12.10.2020. Pursuant thereto, the petitioner states that the Assistant Engineer, by communication dated 09.04.2021, informed the petitioner that the relevant locality comes under the safe zone and that, therefore, the petitioner is required to submit annexures III and IX. In spite of following up with the third respondent, thereafter, the petitioner states that the required No Objection Certificate was not issued.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent. Mr.A.Baskaran, learned Standing Counsel, accepts notice on behalf of the second respondent.

4.The decision as to whether a No Objection Certificate should be granted in respect of the extraction of ground water is a matter squarely within the remit of the relevant authority. Therefore, a mandamus cannot be issued directing the grant of such No Objection Certificate.

5.However, by the communication dated 09.04.2021 from the Assistant Engineer of the Madurai subdivision of the State Ground and Surface Water and Data Center, the petitioner was informed that he should submit annexures III and IX. By such communication, the petitioner was called upon to submit the said annexures to the first respondent with a copy to the Assistant Director in Madurai. The petitioner states that he is ready and willing to submit the documents called for under the relevant communication.

6.Accordingly, without entering any findings on the merits of the matter, the petitioner is permitted to submit the documents called for under communication dated 09.04.2021 to the authorities concerned within a period of two (2) weeks from the date of receipt of a copy of this order. A copy of such communication, including the annexures thereto, shall be submitted to the third respondent. Upon receipt thereof, the third respondent is directed to consider the petitioner's request for a No Objection Certificate in accordance with relevant regulations in such regard and dispose of the same within a period of two (2) months from the date of receipt of the relevant annexures.

7.W.P.(MD)No.17216 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P(MD)No.14088 of 2021 is closed.

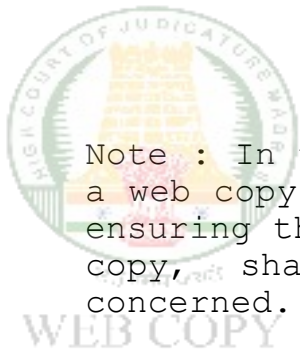
Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 cum State Ground and Surface
Water Resource Centre,
Tharamani, Chennai.

2.The Block Development Officer (Panchayat),
Melur Village Panchayat Union, Madurai.

+1 CC to M/s.SPL.GP (SR-30309[F] dated 27/09/2021)

**W.P (MD) No.17216 of 2021
24.09.2021**

RK (04.10.2021) 3P 4C