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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1189 of 2015
and
M.P.Nos.1 & 2 of 2015

1.R.Periyasamy
2.D.Kittusamy
3.Raman Navithan
4.Thangavel
5.Maheshkumar

...Petitioners

Vs

1.The Tahsildar,
Kangayam Taluk,
Kangayam, Tirupur District

2.V.Murugesan

3.The Inspector of Police,
Vellakovil Police Station,
Kangayam Taluk,
Tirupur District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 13.09.2014 made in Na.Ka.No.2507/2014/A1 passed by the 1st respondent, quash the same and consequently direct the respondents from in any way interfering with the petitioner's right to take water from their own ground level wells/bore wells and to transport the same for domestic purposes of others, as well as for their own agricultural purposes.

For Petitioners: Mr.N.Manokaran

For Respondents

R1 & R3 : Mrs.N.Senthil Selvi
Government Advocate
R2 : Mrs.C.Nisha
for Mr.K.S.Jeya Ganeshan



O R D E R

The order impugned dated 13.09.2014 is sought to be quashed in the present writ petition and a direction is sought for not to interfere with the petitioners right to take water from their own ground level wells/bore wells.

2.The petitioners state that they are agriculturist and resident of Vellakovil Village. They are actually cultivating the lands and dug a ground level well to carry on cultivation of maize and coconut trees. During the drought seasons, the land belongs to the petitioner at Vattamalai Kadu is facing serious water scarcity and in order to save the standing crops and coconut trees, the petitioners have been taking water from the well in Kollukadu to the lands in Vattamalai Kadu through a hired lorry.

3.The learned counsel appearing for the petitioners states that the petitioners have given an undertaking by way of an affidavit before this Court that they will not sell or use the water for commercial purposes except using it for their own agricultural purposes and for their domestic needs.

4.The learned counsel for the petitioners further drew the attention of this Court with reference to the affidavit filed by the petitioners that water from the well belongs to the petitioners are being used only to meet out the drinking water/their domestic usage and to cultivate the agricultural lands belongs to the petitioners and they will not use the water for commercial purposes or they will sell the same to any other person.

5.In view of the undertaking given by the petitioners in their affidavit, this Court is of an opinion that the authorities competent/first respondent may permit the petitioners to utilize the well water belong to the petitioners only for their domestic usage and for cultivating their own lands. In the event of any information or complaint of selling the water to any other person or using the water for commercial purposes, then all appropriate actions may be taken by the first respondent in the manner known to law. However, the authorities are empowered to conduct inspections or otherwise, if there is a suspicion or information regarding selling of water or using the water for commercial purposes of otherwise.



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6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

cse

To

1. The Tahsildar,
Kangayam Taluk,
Kangayam, Tirupur District

2. The Inspector of Police,
Vellakovil Police Station,
Kangayam Taluk,
Tirupur District.

+1cc to Mr.N.Manokaran, Advocate SR.No.1836

+1cc to Mr.K.S.Jeya Ganeshan, Advocate SR.No.2316

+1cc to Government Pleader SR.No.1993

W.P.No.1189 of 2015

BS (CO)
GMY (03/02/2022)