



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM :

WEB COPY

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5167 of 2022

T.Ajithkumar

.. Petitioner

Vs

- 1.The Principal Secretary,
Water Resources Department,
Secretariat, St. George Fort,
Chennai.
- 2.The Chief Engineer,
State Ground & Surface Water
Resources Data Centre,
Water Resources Department,
Taramani, Chennai-600 113.
- 3.The Engineer-in-chief,
Water Resources Department and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai-600 005.
- 4.The District Collector,
Office of the Collectorate,
Ariyalur, Ariyalur District.
- 5.The Executive Engineer (PWD) (WRO),
Hydrology Division,
Tiruchirapalli.
- 6.The District Environmental Engineer,
Pollution Control Board,
No.4/326, RTO office,
Trichy Main Road,
Ariyalur District-621 713.
- 7.The Assistant Director (Geology),
Geological Sub Division,
Trichy.



8.The Revenue Divisional Officer,
Revenue Divisional Office,
Ariyalur, Ariyalur District.

9.The Revenue Inspector,
Taluk Office,
Sendurai,
Ariyalur District.

10.The Block Development Officer,
Block Development Office,
Sendurai Block, Sendurai,
Ariyalur District.

11.J.Murugesan,
Panchayat President,
Ananthavadi Village,
Sendurai Block & Taluk,
Ariyalur District.

12.M/s.Sathya Packaged Drinking Water,
No.1/213A, Ananthavadi Road,
Keelarayampuram,
Sendurai Block & Taluk,
Ariyalur District - 621 718.

13.M/s.MR Aqua Industries,
No.5/17A, Ananthavadi Village,
Sendurai Block & Taluk,
Ariyalur District-621 718.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus directing the second respondent to call for the records pertaining to the impugned orders issued in favour of the 12th respondent vide proceeding dated 21.04.2020 Lr.No.OT.9/G-31204/Renewal-NOC/Trichy/2020 & 13th respondent vide proceeding dated 28.11.2020 Lr.No.OT.8/AG-385/NOC/Trichy/2020 and quash the same as illegal and further direct the second respondent to implement the Consolidated guidelines-2011 and further consider the petitioner's representation dated 01.11.2021.

For the Petitioner : M/s.R.Selvakkodi

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 10



was given, though it is not stated that the 12th respondent started working from the year 2021. This Court then invited the attention of learned counsel for the petitioner to paragraph 14 where a statement has been made that the 12th respondent was running water plant from 2015 onwards in the village of the petitioner and the 13th respondent commenced the water plant in 2020. The statement of fact in reference to the 12th respondent that it is working from 2021 runs counter to the affidavit of the petitioner. It is more so when challenge to the renewal of no objection certificate in favour of the 12th respondent was referred in reference to the feasibility report of the 13th respondent. The petitioner has tried to mix up the facts by referring to the feasibility report given in reference to the application of M/s.MR Acqua Industries to challenge it for respondent No.12 i.e. M/s.Sathya Packaged Drinking Water.

7. Taking the overall facts into consideration, we do not find that this is a bona fide public interest litigation. Rather, there is misleading statement of fact in the course of argument and otherwise, there is no illegality in the action of the second respondent. The 12th respondent is operating prior to 2015 itself as per the averment in the petition, but challenge to its working has been made in reference to the renewal of no objection certificate in the year 2020 without justifying the delay. The writ petition, therefore, also suffers from laches.

8. In reference to the grant of No Objection Certificate to the 13th respondent, the respondent authorities after considering the feasibility granted such permission. The petitioner failed to produce any document to substantiate that the grant of permission was in violation of any provision or of law.

9. For all the reasons given above, we do not find any merit in the writ petition and the same is dismissed. No costs. Consequently, W.M.P.Nos.5268, 5269 and 5270 of 2022 are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1. The Principal Secretary,
Water Resources Department,
Secretariat, St. George Fort, Chennai.
2. The Chief Engineer,
State Ground & Surface Water Resources Data Centre,
Water Resources Department, Taramani, Chennai-600 113.
3. The Engineer-in-chief,
Water Resources Department and Chief Engineer (General),
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4. The District Collector,
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10. The Block Development Officer,
Block Development Office,
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Ariyalur District.

+1 cc to M/s.R.Selvakkodi, Advocate Sr.NO. 15344

+1 cc to Government Pleader Sr.NO. 15829

W.P.No.5167 of 2022

vbm(CO)

A.SK(16/03/2022)