



WEB COPY



W.P.No.14656 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.14656 of 2011
and M.P.No.1 of 2011

P.Senthil Kumar

...Petitioner

-Vs-

1.The State of Tamil Nadu Rep. by
The Chief Secretary to Government,
Secretariat,
Chennai.

2.The State of Tamil Nadu Rep. by its
Secretary to Government,
Public Works Department.

3.The District Collector,
Tirupur District,
Tirupur.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 herein to notify the Tamil Nadu Ground Water (Development & Management) Act 2003 (Tamil Nadu Act 3 of 2003) in view of the assent granted by the Hon'ble President on 04.03.2003 to regulate and control the extraction, use or transport of groundwater and to conserve groundwater table against hazards of its over exploitation.



WEB COPY



W.P.No.14656 of 2011

For Petitioner : M/s.N.Jothi for
Mr.N.Manokaran

For Respondents : Mr.K.Tamilvendan
Government Advocate

ORDER

This writ petition is filed for issuance of a writ of mandamus directing the respondents 1 and 2 herein to notify the Tamil Nadu Ground Water (Development & Management) Act 2003 (Tamil Nadu Act 3 of 2003) in view of the assent granted by the Hon'ble President on 04.03.2003 to regulate and control the extraction, use or transport of groundwater and to conserve groundwater table against hazards of its over exploitation.

2. The learned counsel appearing for the petitioner states that though the Government has enacted Tamil Nadu Ground Water (Development & Management) Act 2003 for regulating tapping of groundwater in Tamil Nadu, admitted that the said act having received the assent of the Hon'ble Governor, and notified was ultimately, by an Ordinance no.3, was repealed. It is settled that there cannot be a writ of mandamus directing the State to legislate. In view of the same, a writ of mandamus is not maintainable to direct the Government to legislative in a particular manner.



W.P.No.14656 of 2011

WEB COPY

3. Considering the nature of prayer in the writ petition, this Court is of the view that the prayer in the writ petition has become infructuous in view of the subsequent developments.

4. Accordingly, this writ petition stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

cda

17.11.2022



WEB COPY



W.P.No.14656 of 2011

S.S.SUNDAR. J.,

cda

To

- 1.The Chief Secretary to Government,
The State of Tamil Nadu,
Secretariat,
Chennai.
- 2.The Secretary to Government,
The State of Tamil Nadu Rep. by its
Public Works Department.
- 3.The District Collector,
Tirupur District,
Tirupur.

W.P.No.14656 of 2011

17.11.2022