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C.M.P.Nos.10746 and 10747 of 2022
in W.A.Nos. SR 67305 and 67319 of 2022

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THE HON'BLE CHIEF JUSTICE
and
N.MALA,J.

(Order of the Court was made by the Hon'ble Chief Justice)

Heard on the applications seeking to grant leave to appeal.

2. It is stated that a direction has been given by the learned Single Judge which may affect the writ appellant association, thus, the present appeals have been filed. The operative portion of the judgment, that is para 47(i), against which the writ appeals are to be maintained is extracted hereunder:

47(i)The Executive Engineer, Public Works Department, Water Resource Organisation, Coimbatore; the Chief Engineer, Water Resource Organization, Coimbatore; the Superintending Engineer, Water Resource Organization, Coimbatore are directed to review the permission granted for extraction of water by private individuals and reassess the situations prevailing and accordingly regulate the same in accordance with the Government policy in force."



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3. The direction aforesaid is to review the permission granted for extraction of water by private individuals and reassess the situation prevailing and accordingly regulate the same in accordance with the Government policy. It is submitted that pursuant to the direction aforesaid, without hearing the members of the appellant association, the respondents may cause notice to those who are taking water in lawful manner. A reference of the order dated 08.05.2022 passed pursuant to the aforesaid judgment has been given and on perusal of the aforesaid, we do not find anything objectionable therein rather a Committee has been constituted to find out those persons who are illegally fetching water from the canal and to register criminal case against them as per the other directions issued by this Court in the order impugned.

4. In view of the above, it cannot be clarified as to how the members of the appellant association are affected either by the outcome of the order quoted above or the subsequent order dated 08.05.2022 passed in compliance thereof, because action is to be



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taken against those who are illegally extracting water. If the members of the appellant association want to espouse the cause of those persons, that cannot be permitted and otherwise the learned counsel submits that they do not intend to espouse the cause of those who are illegally fetching water or doing act which is not in consonance with the Government policy. If that is so, there was no reason for the appellant association to be aggrieved by the order which otherwise is not affecting them if their act is lawful.

Therefore, we do not find any ground to allow the applications to grant leave to appeal. The applications are, accordingly, dismissed.

(M.N.B., CJ.) (N.M., J.)
14.07.2022

sra



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