



WEB COPY



Writ Petition No.43391 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28/11/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.43391 of 2016
a n d
W.M.P.Nos.37253 and 37254 of 2016

Ramadoss

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Petitioner

Vs

1. The Secretary to Government of Tamil Nadu
Public Works (R2) Department
Fort St. George
Chennai 600 009.
2. The Secretary to Government
Revenue Department, Secretariat
Chennai 9.
3. The District Collector
Thiruvallur District
Thiruvallur.
4. The Revenue Divisional Officer
Ambattur.
5. The Tahsildar
Madhavaram Taluk
Madhavaram



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6. The Chief Engineer
Public Works Department
Water Research Organisation
State Ground & Surface Water Resources
Data Centre, Thaamani
Chennai 600 113.

7. The Managing Director
Chennai Metropolitan Water Supply
and Sewerage Board
Pumping Station Road
Chennai 600 002.

8. The Assistant Engineer
TNGEDO, Tamil Nadu Electricity Board
MMDA, Mathur
Chennai 600 068.

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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the fifth respondent in his closure proceedings in Pdl.01/2016 dated 2/12/2016 to quash the Notice of Closure and sealing order issued in Pdl.01/2016 dated 2/12/2016 by the fifth respondent and direct the fifth respondent to remove the seals put on 2/12/2016 to the petitioner water Unit at No.40 Telephone Colony Mathur, Chennai 600 068.

For Petitioner
For respondents

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Mr.M.Kamalanathan
Mr.P.Sathish
Additional Government Pleader
for R.R.1 to 6
Mr.N.Ramesh
for R.7
Mr.L.Jai Venkatesh
for R.8



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ORDER

This writ petition has been filed to quash the order dated 2/12/2016 of the fifth respondent made in his closure proceedings in Pdl.01/2016 and sealing order dated 2/12/2016 made in Pdl.01/2016 dated 2/12/2016 by the fifth respondent and direct the fifth respondent to remove the seals put on 2/12/2016 to the petitioner water Unit at No.40 Telephone Colony Mathur, Chennai 600 068.

2. The contention of the Writ petitioner is that the petitioner is carrying on business in packaged drinking water supply in the name of KK Aqua product, within the Metropolitan area of Chennai City under Sections 1 [2] and 2[g] of Chennai Metropolitan Area Ground Water [Regulation] Act, 1987 and the seventh respondent is having authority and control over the petitioner on the extraction of ground water and manufacturing packaged drinking water. It is the further case of the petitioner that seventh respondent is the competent person to issue No Objection Certificate to the petitioner premises to bring water by tanker lorries to Mathur Village. Hence, this Writ Petition seeking a direction.



3. Whereas the stand taken by the respondents in the counter is that in Mathur Village, where the ground water is to be extracted by the petitioner company is not included in the jurisdiction of Greater Chennai Corporation. Under Clause 8 – 1 (b) of the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act No.43 of 2008, the Tahsildar and/the Zonal Deputy Tahsildar are the competent authorities to seal illicit extraction of ground water.

4. The learned counsel appearing for the petitioner submitted that Mathur village is not included in the scheduled list of the villages of the Act and the village is within the Metropolitan area and therefore, the seventh respondent alone is competent to issue licence for extraction of ground water from Mathur Village.

5. I have perused the entire materials.

6. The petitioner appears to have given an application seeking licence for ground water extraction in Survey No.121/1C1, Mathur Village. The sixth respondent had rejected the application given by the petitioner, indicating that he is not competent authority to issue licence in respect of



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which, the permission is sought and the same comes within the Collector, Thiruvallur District, who is the competent authority. Therefore, the present Writ Petition has been filed.

7. It is relevant to note that Mathur Village is not included in the list of 302 scheduled villages of the Chennai Metropolitan Area Ground Water [Regulation] Act, 1987. The petitioner is seeking licence for his village which is situated in Mathur Taluk which falls within the Thiruvallur District and therefore, they cannot insist the seventh respondent to issue no objection certificate for obtaining licence.

8. Accordingly, this Writ Petition is dismissed. The petitioner, if so advised, may file an application to the concerned District Collector, namely, Thiruvallur for getting sanction as per law. No costs. Consequently, connected miscellaneous petitions are closed.

28/11/2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.



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To



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