



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.NO.25334 OF 2014

&

M.P.NO.1 OF 2014

S.Durairaj,

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruppur.
2. The Tahsildar,
Palladam,
Tiruppur District.
3. The Inspector of Police,
Palladam,
Tirupppur District.
4. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.

...Respondents

Prayer:

Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from preventing the petitioner from transporting water from the well of the petitioner situated at S.No.147/2A & 146/2 of Vadugapalayam Village by tanker lorries for supplying domestic purpose i.e. drinking water to the residents of Palladam and Tiruppur and for Agrigultural purpose.

For Petitioners : Mr.S.Doraisamy

For Respondents : Mr. Vadivelu Deenadayal
For R1 & R2 Additional Government Pleader

For R3 : -NA-



WEB COPY

O R D E R

Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.Vadivelu Deenadayalan, learned Additional Government Pleader for R1 and R2.

2. The petitioner seeks a mandamus forbearing the respondents from preventing him from transporting water from the well situated at S.Nos.147/2A and 146/2 of Vadugapalayam Village by tanker and lorries for domestic purposes. There has been no interim protection granted in this matter and I suspect that nothing survives in this matter as on date.

3. Then again, a common counter affidavit has been filed by the respondents wherein as a primary submission, the respondent points out that the procedure in regard to the issuance of a grant of certificate of registration does not appear to have been complied with as stipulated under the Tamil Nadu Ground Water (Development and Management) Repeal Act, 2014.

4. The above enactment the requires sinking of a well/bore well in a notified area to be carried out only with a necessary permit in that regard. That apart, counter also submits that the revenue assessment unit within which the well in question falls, come under the 'over exploited category' as per chapter 4.1.9 of the Ground Water Resources Tiruppur District Report. Thus, and assuming that something does survive in the matter, the mandamus as sought for is not liable to be granted for the reasons set out in the preceding paragraphs.

5. The petitioner is, however, permitted to approach the authorities seeking appropriate relief, if he believes that he is so entitled to the same and press into service any rules, regulations or Government Orders including G.O.Ms.No.142 dated 23.07.2014, which he cites before me now.

6. This writ petition is dismissed. Consequently connected miscellaneous petition is also closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ska



To

1. The Revenue Divisional Officer,
Tiruppur.
2. The Tahsildar,
Palladam,
Tiruppur District.
3. The Inspector of Police,
Palladam,
Tirupppur District.
4. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.11378
+1cc to the Government Pleader, S.R.No.11955

W.P.No.25334 of 2012
&
M.P.No.1 of 2014

MT (CO)
PM/06/04/2022