



WP.No6550 & 6554 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No6550 & 6554 of 2017 &

WMP.Nos.7047, 7048, 7051, 7052 of 2017

D.Goverthan

... Petitioner in W.P. No.
6550 of 2017

Ramdoss

... Petitioner in W.P.No.
6554 of 2017

.. Vs ..

1. The Secretary to Government of Tamil Nadu,
Public Works [R2] Department,
St. Fort George, Chennai – 600 009.
2. The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai – 600 032.
3. The Central Ground Water Board,
Government of India – Ministry of Water Resources,
South Eastern Coastal Region,
Rep. by its Regional Director,
E-1, G-Block, Rajaji Bhavan,
Besant Nagar, Chennai – 600 090.



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4. The Chief Engineer,
Public Works Department,
Water Research Organization,
State Ground & Surface Water Resources Data Centre,
Taramani, Chennai – 600 113.

5. The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chindadripet, Chennai – 600 002.

6. The District Collector,
Thiruvallur District, Thiruvallur.

... Respondents in
both WPs.

Prayer both Writ Petitions :- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the fifth respondent to issue No Objection Certificate to transport drinking water from the land in safe Zone comprised in S.No.162/4 Alamathi Village to the Petitioner unit at No.115/2A1, Pillaiyar Koil Street, Kamarajar Salai, Mathur Village, Chennai – 600 068 and S.No.162/4, Alamathi Village to the petitioner Unit at No.40, Telephone Colony, Mathur Chennai – 600 068 on any date to be fixed by this Court or in the alternate to allow the petitioner to extract ground water from the petition premises which comes under the Metro Safe-Zone.

For Petitioner : Mr.M.Kamalanathan
in both WPs

For Respondents : Mr.K.Tamilvendan
Government Advocate – R1 & R4
in both WPs



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Mr.Shanugavalli Sekar – R2 in both WPs

Mr.B.Sudhirkumar, SPC – R3
in W.P.No.6550 of 2017

Mr.K.Srinivasa Murthy, CGSC – R3
in w.P.No.6554 of 2017

Mr.N.Ramesh – R5 in both WPs

Mr.D.Gopal, Government Advocate – R6
in both WPs

COMMON ORDER

These Writ Petitions have been filed to direct the fifth respondent to issue No Objection Certificate to transport drinking water from the land in safe Zone to the Petitioners unit on any date to be fixed by this Court or in the alternate to allow the petitioner to extract ground water from the petition premises which comes under the Metro Safe-Zone.

2. The contention of the Writ petitioner is that the petitioners are carrying on business in packaged drinking water unit within the Metropolitan area of Chennai City and the fifth respondent under Section 1 [2] and 2[g] of Chennai Metropolitan Area Ground Water [Regulation] Act, 1987 and the fifth respondent is having authority and control over the



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petitioner in case of extraction of ground water and manufacturing packaged drinking water. It is the further case of the petitioners that fifth respondent is the competent person to issue No Objection Certificate to the petition premises to bring water by tanker lorries to Alamathi Village. Hence, this Writ Petition seeking a direction.

3. Whereas the stand taken by the respondents in the counter is that Alamathi Village, where the ground water is to be extracted by the petitioners company is not included in the jurisdiction of Greater Chennai Corporation. Hence, CMWSS Board is not the competent authority to issue license for extraction of ground water from Alamathi Village and the scheduled villages of the Act comes under the jurisdiction of the District Collector, Thiruvallur District.

4. The learned counsel appearing for the petitioners submitted that Alamathi 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 fifth respondent alone is competent to issue licence for extraction of ground water from Alamathi Village.



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5. Disputing the same, the contention of the respondent is that Alamathi Village is not included in the scheduled villages of the Act, whereas it falls under the jurisdiction of the District Collector, Thiruvallur District.

6. I have perused the entire materials. The petitioner appears to have given an application seeking licence for ground water extraction in Survey No.162/4, Alamathi Village and 115/2A1 of Mathur Taluk. The fifth respondent had rejected the application given by the petitioners by an Order dated 24.10.2010 indicating that he is not competent authority to issue licence in respect of 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 Alamathi and Mathur Villages are not included in the list of 302 scheduled villages of the Chennai Metropolitan



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Area Ground Water [Regulation] Act, 1987. The petitioners are seeking licence for their villages which are situated in Mathur Taluk which falls within the Thiruvallur District and therefore, they cannot insist the fifth respondent to issue no objection certificate for obtaining licence.

8. Accordingly, this Writ Petition is dismissed. The petitioners, if so advised, may file an application to the concerned District Collector, namely, Thiruvallur for getting sanction as per law. Consequently, connected miscellaneous petitions are closed.

17.11.2022

vrc

To,

1. The Secretary to Government of Tamil Nadu,
Public Works [R2] Department,
St. Fort George, Chennai – 600 009.
2. The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai – 600 032.
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N.SATHISH KUMAR, J.

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