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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.28560 of 2019 and
WMP.No.28301 of 2019

R.Kittusamy

... Petitioner

Vs

1. The Inspector of Police,
Vellakoil Police Station,
Vellakoil, Tiruppur District.
2. The Tahsildar,
Kangayam Taluk, Kangayam,
Tiruppur District.
3. The Village Administrative Officer,
Mettupalayam Village,
Kangayam Taluk,
Tiruppur District.
4. M.R.Periyasamy
5. P.Ramalingam
6. Nachimuthu
(R4 to R6 impleaded as per order dated 20.01.2020
made in WMP.34527 of 2019 in WP.28560 of 2019 by CVKJ)
7. The Chief Engineer,
Public Works Department (W.R.O.),
State Ground and Surface Water Resources Data Centre,
CSIR Road, V.V.Koil Street,
Mahatma Gandhi Nagar, Tharamani,
Chennai-113.
(R7, suo moto impleaded by order
of this court dated 21.04.2022)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from preventing the petitioner from taking water from his Well situated in Old Survey No.498 A1, Re-Survey No.1099/2 of Mettupalayam Village, Kangayam Taluk and transporting the water through the Tanker Lorry of the



petitioner TN 28 T 3319 to his Spinning Unit viz., Swami Palani Andavar Spinners India Pvt. Ltd. situated at No.1566/3-A, Mulanur Road, Vellakovil without due process of law.

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For Petitioner : Mr.V.Elangovan
For Respondents : Mr.TNC.Kaushik (for R1 to R3 & R7)
Additional Government Pleader
Mr.S.Kaithamalai Kumaran
(for R4 to R6)

ORDER

Mr.TNC.Kaushik, learned Additional Government Pleader, who has entered appearance for R1 to R3 would submit that the proper authority to answer the prayer sought for by the petitioner would be the officials of the Public Works Department. Hence, the Chief Engineer, Public Works Department (W.R.O.), State Ground and Surface Water Resources Data Centre, CSIR Road, V.V.Koil Street, Mahatma Gandhi Nagar, Tharamani, Chennai-113 is suo motu impleaded as R7 in WP.No.28560 of 2019 and Mr.TNC.Kaushik will accept notice for R7 as well and convey the contents of this order to newly impleaded R7.

2. The petitioner claims to be the owner of agricultural land admeasuring 70 cents in Kangayam Taluk. He seeks a mandamus forbearing the respondents to preventing the petitioner from taking water from his Well situated in Old S.No.498 A1, Re-Survey No.1099/2 of Mettupalayam Village, Kangayam Taluk and transporting the same to his Spinning Unit i.e. Swami Palani Andavar Spinners India Private Limited, situated at No.1566/3-A, Mulanur Road, Vellakovil.

3. A status report has been filed by the Tahsildar/R2 objecting to request of the petitioner on the ground that the Well is situated in land that has been notified as A (Critical Category). Hence, according of permission as sought for, would result in a serious water crisis.

4. The respondents also refer to various objections that have been raised by residents of that Village including other agriculturists for transportation of the water to other places and thus they apprehend law and order problems, if the petitioner is permitted to continue his activity. References inter alia are made to the Tamil Nadu Ground Water (Development and Management), Act, 2003 and G.O.Ms.No.113, Public Works (R2) Department, dated 09.06.2016. In all, they submit that the petitioner may be directed to approach R7, now impleaded, who may be in a better position to take a decision on this request, taking note of various relevant factors.



5. In light of the stand of the official respondents, in their status report with which I concur, mandamus as sought for by the petitioner is not liable to be issued. This writ petition is thus dismissed. However, the petitioner seeks and is granted liberty to make a representation before R7, who shall hear the petitioner as well as R4 to R6 as well as other objectors and any others who may be necessary to enable a proper decision in this matter, and pass orders in accordance with law and all applicable rules and regulations. This exercise shall be completed within a period of twelve (12) weeks from date of receipt of this order. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

VS

To

1. The Inspector of Police,
Vellakoil Police Station,
Vellakoil, Tiruppur District.
2. The Tahsildar,
Kangayam Taluk, Kangayam,
Tiruppur District.
3. The Village Administrative Officer,
Mettupalayam Village,
Kangayam Taluk, Tiruppur District.
4. The Chief Engineer,
Public Works Department (W.R.O.),
State Ground and Surface Water Resources Data Centre,
CSIR Road, V.V.Koil Street,
Mahatma Gandhi Nagar, Tharamani,
Chennai-113.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.27133
+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.27503
+1cc to Government Pleader, Sr.No.27981(06/06/2022)

W.P.No.28560 of 2019 and
WMP.No.28301 of 2019

JP-II(CO)
TE (25/04/2022)