



W.P.No.30205 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.30205/2022

R.Muthukumarasamy

.. Petitioner

vs.

1. The District Collector,
O/o.District Collector,
Coimbatore District.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Coimbatore District.
3. The Thasildhar,
O/o.Pollachi Thasildhar Office,
Pollachi, Coimbatore District.
4. The Village Administrative Officer,
O/o.Village Administrative Office,
Kurumbapalaiyam Village,
Pollachi (North) Taluk,
Coimbatore District.

5. Kalimuthu

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take action against the 5th respondent as per the proceedings of the 3rd respondent in Na.Ka.No.741/2022/Aa2 dated 15.03.2022 in pursuant to the petitioner's complaint dated 19.08.2022.

For Petitioner :: Mr.P.Muthamizhselvakumar

For Respondents :: Mr.K.M.D.Muhilan,
1 to 4 Addl.G.P.

ORDER

(Order of the Court was made by Mr. Justice D.Krishna Kumar)

The writ petitioner has filed the present writ petition for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take action against the 5th respondent as per the proceedings of the 3rd respondent herein in Na.Ka.No.741/2022/Aa2 dated 15.03.2022 in pursuant to the petitioner's complaint dated 19.08.2022.

2. Learned Counsel appearing for the petitioner submitted that the 5th respondent's wife was holding the charge of Union



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Councilor of Pollachi North Union and after taking the charge, the 5th respondent's wife has started taking water from the public Well and selling the same to private parties for commercial purpose. Therefore, a complaint has been lodged to the authorities concerned by some of the villagers and interested persons. Subsequent to the same, the 3rd respondent by his report dated 07.03.2022 directed the 4th respondent herein to conduct an enquiry in this regard. But thereafter, no action was taken so far because the 5th respondent and his wife are politically influential persons. Therefore, the present Writ Petition came to be filed.

3. Mr.K.M.D.Muhilan, learned Additional Government Pleader appearing for the respondents 1 to 4 producing a Government Order in G.O.(Ms.)No.142, Public Works (R2) Department dated 23.07.2014 submitted that there are regulations for management of ground water and for issuance of 'No Objection Certificate'/Licence' for extraction of ground water in Tamil Nadu State. If anyone violates the above said regulations, as per G.O.Ms.No.142, action will be taken by the authorities concerned.



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4. In pursuant to the petitioner's complaint dated 19.08.2022, it appears that the 3rd respondent has issued the proceedings in Na.Ka.No.741/2022/Aa2 dated 15.03.2022 directing the 4th respondent, namely, the Village Administrative Officer, Kurumbapalaiyam Village, Pollachi (North) Taluk, Coimbatore District and Land Revenue Inspector to take steps for preventing the 5th respondent and his wife from taking water for commercial purpose from the public well situated in Survey No.361/3. Thereafter, it also appears that no action has been taken against the 5th respondent and his wife. The Village Administrative Officer, Kurumbapalayam has also submitted a report admitting that in the land in S.No.361/3, there is a water well, wherein the said Kalimuthu / fifth respondent is running water supplies company in the name of Prasana Water Supplier, without any permission from the Government and selling water in lorries and on enquiry, he states that he supplies water to the general public free of cost.

5. In view of the above, this Court directs the 2nd respondent, namely, the Revenue Divisional Officer, Coimbatore District to consider the petitioner's complaint dated 19.08.2022 and take appropriate



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decision after providing an opportunity of hearing to the aggrieved persons, within a period of twelve weeks from the date of receipt of a copy of this Order.

6. With the above direction, the Writ Petition is disposed of.

No costs.

(D.K.K, J.) (T.V.T.S.J.,)

22.11.2022

Index : Yes/No
tsi / jvm

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and
T.V.THAMILSELVI, J.,
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