

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P.(MD) No.17281 of 2022
and W.M.P(MD) No.12610 of 2022**

P.Purushothaman

... Petitioner

-VS-

- 1.The Engineer,
Water Resources Department,
State Ground and Surface Water
Resource Data Centre,
Tharamani, Chennai – 600 133.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.23, SIDCO Industrial Campus,
Nanjikkottai Salai, Thanjavur – 613 006.
- 3.The District Collector,
Thanjavur District,
Thanjavur – 613 010.
- 4.The Superintending Engineer,
Public Works Department.
Ground Water Division,
Thanjavur – 613 007.

5.The Executive Engineer,
Ground Water Division,
Public Works Department,
Thanjavur – 613 007.

6.The Tahsildar,
Peravurani Taluk,
Peravurani, Thanjavur District – 614 804.

7.The Block Development Officer,
Peravurani Block at
Aavanam – 614 623,
Thanjavur District.

8.The Panchayat President,
Sornakudu Panchayat,
Peravurani Block and Taluk,
Thanjavur District – 614 804.

9.M/s.Dana Aqua Product,
Rep. by its Proprietor,
V.Arumugam.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the first respondent from renewing the “No Objection Certificate” issued to the 9th respondent company and forbearing the second to eighth respondents from permitting the 9th respondent to drawing, transporting and selling the water from the bore well, situated in S.F.Nos.90/4C, 90/4D 1B in Padappanarvayal village, Peravurani Taluk, Thanjavur District based on the petitioner's representations dated 24.05.2022 and 26.06.2022.

For Petitioner : Mr.D.Gurusamy

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader
for R1 to R6
Mrs.Vijayalakshmi Natarajan
for R2
Mr.D.Sadiq Raja,
Addl. Government Pleader
for R7 and R8

ORDER

(Made by P.N.PRAKASH, J.)

Alleging that the ninth respondent is illegally tapping water from Survey No.90/4C, 90/4D 1B in Padappanarvayal Village, Peravurani Taluk, Thanjavur District, the petitioner addressed representations dated 24.05.2022 and 26.06.2022 and finding no response for the same, he has filed the present public interest litigation for a direction to the respondents 1 to 8 not to give “No Objection Certificate” to the ninth respondent.

2. In the opinion of this Court, a direction of this nature cannot be granted inasmuch as the ninth respondent has the fundamental right guaranteed under Article 19(1)(g) of the Constitution of India to carry on a lawful business after obtaining the necessary permission from the authorities. It is for the authorities to examine the case of the ninth

respondent and take a decision in this regard. Such decisions cannot be questioned by way of filing public interest litigation.

3. Today, Mr.K.Karthik, Assistant Geologist, WRD, Thanjavur Division, Ms.S.Vijaya Priya, Assistant Environmental Engineer, Tamil Nadu Pollution Control Board, Thanjavur District and Mr.V.Rengarajan, Zonal Deputy Block Development Officer, are present before this Court.

4. On instructions, the learned Special Government Pleader submitted that the Water Resources Department has, in fact, granted no objection to the ninth respondent by order dated 14.06.2022.

5. In such view of the matter, this writ petition is dismissed as being devoid of merits. No costs. Consequently, the connected miscellaneous petition is closed.

[P.N.P., J.] [R.T., J.]
04.08.2022

Index : Yes / No
Internet : Yes / No
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