



W.P.(MD)No.26759 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.26759 of 2022
and W.M.P.(MD) No.20964 of 2022

K.Arunachalam

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Madurai & District.
- 2.The Assistant Director,
District Ground and Surface Water,
Public Work Department,
Tallakulam,
Madurai & District – 625 020.
- 3.The Thasildar,
Madurai East Taluk,
Madurai District.
- 4.The Executive Engineer,
Public Work Department,
Melur Division,
Melur,
Madurai District.
- 5.The Inspector of Police,
Y. Othakkadai Police Station,
Madurai District.



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6.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Y. Othakkadai,
Madurai & District.

7.M/s.Akshaya Water Supply,
Rep. by K.Kalaikumar,
S/o. Kannan, Sithakkoor,
Ilagiyenthal Village,
Madurai East,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 herein to take necessary action on the petitioner's representation dated 27.09.2022 by forbearing the 7th respondent from taking water for commercial purpose in the bore wells situated at S.F.No. 230/3, Poolampatti Revenue Village, Madurai East Taluk, Madurai District and nearby kanmai, odai at Sithakkoor Village, Madurai East Taluk, Madurai District.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Special Government Pleader

For 5th Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to



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6 herein to take necessary action on his representation dated 27.09.2022, by forbearing the 7th respondent from taking water for commercial purpose in the bore wells situated at S.F.No.230/3, Poolampatti Revenue Village, Madurai East Taluk, Madurai District and nearby Kanmai, Odai at Sithakkoor Village, Madurai East Taluk, Madurai District.

2. Heard Mr.R.Jegadeeswaran, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the 5th respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 6 and 7 is dispensed with.

4. It is specifically averred by the petitioner in the affidavit filed in support of the writ petition that the 7th respondent, who is doing business in water supply at S.F.No.230/3, Poolampatti



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Revenue Village, Madurai East Taluk, Madurai District, without any authority/permit from the competent authorities, is taking huge quantity of water in tanker lorries from the waterbody maintained by the 4th respondent, by using agricultural electricity service connection given by the 6th respondent, and is selling the same for commercial purpose and thereby causing difficulties to the village people to irrigate their lands. He would further submit that inspite of the undertaking given by the 7th respondent to the 2nd respondent that they will not sell ground water through water tanker lorries in future, the said illegality still continues. In support of his submissions, learned counsel for the petitioner produced a copy of the letter of the 2nd respondent in No.617/உ.இ(நீ)உ.கோ/கோ27/ம/2022, dated 18.11.2022, addressed to the petitioner, wherein, it is stated that the 7th respondent had given an undertaking letter before the 2nd respondent that they will not indulge in selling ground water by using water tanker lorries.

5. Considering the facts and circumstances of the case and the rival submissions made on either side, this Court directs the official respondents to inspect M/s.Akshaya Water Supply, situated at S.F.No.230/3, Poolampatti Revenue Village,



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Madurai East Taluk, Madurai District, immediately and if the above firm is being run without any valid documents or licence for running the same and is indulging in any of the illegal activities as claimed by the petitioner, the authorities shall take appropriate action in accordance with law, after providing opportunity to the petitioner, the 7th respondent and all others concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is also closed.

[R.M.D., J.] [J.S.N.P., J.]
28.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

1.The District Collector,
Collector Office,
Madurai & District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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Public Work Department,
Tallakulam,
Madurai & District – 625 020.

3.The Thasildar,
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4.The Executive Engineer,
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