



W.P.(MD) Nos.23704 & 22442 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) Nos.23704 & 22442 of 2017

W.P.(MD) No.23704 of 2017

P.Selvakumar

... Petitioner

Vs.

- 1.The District Collector
Office of the Collectorate Building,
Madurai District,
Madurai.
- 2.The Corporation Commissioner
Office of Madurai Corporation,
Madurai.
- 3.The Tahsildar
Madurai South,
Office of the Collectorate Building,
Madurai.

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4.S.M.A. Aqua Private Ltd.,
Through its Proprietor,
Karthick Babu,
Kirubanandhavariyar Nagar,
Part - II, Kallambal Road,
A.C.S. Manikandan Nagar,
Iravathanallur,
Madurai.

5.The Executive Engineer
Public Works Department,
Ground Water Division,
Thallakulam,
Madurai.

... Respondents

(R5 is Impleaded vide Court order, dated 10.01.2018
made in W.M.P(MD)No.134 of 2018)

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 to 3 herein to take necessary action against fourth respondent for extraction of ground water illegally for commercial purpose without obtaining any permission from the authorities and to immediately stop transport of water through water tanker lorries and thereby to prevent depletion of the natural available ground water by considering the petitioner's representation, dated 13.11.2017.



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For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1, R3 & R5
Mr.R.Murali - for R2
Mr.K.Rajeshwaran - for R4

W.P.(MD) No.22442 of 2017

R.Dhanuskodi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Fort St. George,
Chennai - 600 009.
- 2.The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St. George,
Chennai - 600 009.
- 3.The District Collector
Kanyakumari District,
Nagercoil - 629 001.
- 4.The Superintendent of Police,
Kanyakumari District.

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5.The District Revenue Officer,
Kanyakumari District.

6.Thasildar,
Agasteeswaram Taluk,
Kanyakumari District.

7.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari,
Kanyakumari District.

8.The Sub Inspector of Police,
South Thamaraiikulam Police Station,
South Thamaraiikulam,
Kanyakumari District.

9.V.Velmurugan

10.P.Thiru Tamil Arasu

11.T.Ponniah

12.J.Isravel Sam

13.Y.Sunny Nayagam

14.S.Tharma Arasu

15.Agastialingam

16.M.Tamil kannan

... Respondents



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WEB COPY PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 8 herein to take suitable action based on the petitioner's representation dated 30.09.2017 as regards the unauthorised sale of water for commercial purposes by the respondents 9 to 16 herein within a reasonable time as may be specified by this Court.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.P.Thilak Kumar - for R1 to R8
Government Pleader
Mr.T.Lajapathy Roy - for R10 & R11
Mr.J.Pooventhera Rajan - for R9
No Appearance - for R12 to R16

COMMON ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Both these writ petitions seek for a direction against the extract of ground water from the bore well and use the same for commercial purposes.



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2. It is the grievance of the petitioners that the private respondents, without obtaining any permission from the authorities, are illegally extracting the ground water from the bore well and selling it to the shops, through lorries and TATA ACE vehicle and in view of the excess drawing of water everyday by the respondents, the ground water levels of the petitioners' villages are considerably affected. Hence, the petitioners made representations dated 13.11.2017 and 30.09.2017 respectively, seeking necessary action in this regard, but the same were not considered by the respondents so far. Hence, these writ petitions.

3. Heard the learned counsel on either side and perused the materials available on record.

4. The learned Government Pleader appearing for the respondents 1 to 8 submitted that the official respondents will dispose of the petitioners' representations in accordance with law within a time frame.



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5. Recording the above submission, this Court directs the respondents 1 to 8 to consider the representations of the petitioners dated 13.11.2017 and 30.09.2017 respectively in the light of G.O.(Ms)No.155, Public Works (R1) Department, dated 28.10.2021 and pass appropriate orders on merits and in accordance with law, after giving due opportunity to the petitioners and the parties concerned. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, these Writ Petitions are disposed of.

No costs.

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

14.09.2022

Index : Yes / No

Internet : Yes / No

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To

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State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Secretary,
State of Tamil Nadu,
Public Works Department,
Fort St. George,
Chennai - 600 009.
- 3.The District Collector
Kanyakumari District,
Nagercoil - 629 001.
- 4.The Superintendent of Police,
Kanyakumari District.
- 5.The District Revenue Officer,
Kanyakumari District.
- 6.Thasildar,
Agasteeswaram Taluk,
Kanyakumari District.
- 7.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari,
Kanyakumari District.



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- 8.The Sub Inspector of Police,
South Thamaraiikulam Police Station,
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