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WP No.24006 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-04-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.24006 of 2017

And

WMP Nos.25316 and 25317 of 2017 and 12989 of 2019

A.Vijay Babu

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
Revenue Division Office,
Tambaram,
Kancheepuram District.
- 3.The Tahsildar,
Taluk Office,
Pallavaram,
Chennai-600 043.
- 4.Chennai Metro Water Supply and Sewerage Board,
Represented by its Managing Director,
Anna Salai,
Chennai.



[R-4 amended vide order of Court dated
01.02.2018 made in WMP No.26067 of 2017
in WP 24006 of 2017]

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5. The Inspector of Police,
Mangadu Police Station,
Chennai-600 122.

6. D. Sarankumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned proceedings issued by the second respondent in Mu.Mu.No.1812/2016/A dated 23.03.2017 to quash the same.

For Petitioner : Mr. T. Sellapandian for
Mr. M. Murali.

For Respondents-1 to 3
and 5 : Mr. T. Arunkumar,
Additional Government Pleader.

For Respondent-4 : Mr. K. Subramani

For Respondent-6 : Dr. S. S. Swaminathan



ORDER

The writ petition is filed challenging the order issued by the second respondent in proceedings dated 23.03.2017 granting permission to the petitioner to extract water from abandoned quarry pits.

2. Though the permission granted is under challenge, on account of efflux of time, the license period was expired and therefore, the impugned order lost its relevance.

3. The learned counsel for the petitioner brought to the notice of this Court that even after the expiry of license, many persons are illegally extracting water, which would cause environmental damage and further repercussions.

4. In view of the said submission of the learned counsel for the petitioner, this Court directs the Tahsildar to submit Status Report, who in turn present before this Court and made a submission that serious actions are taken to prevent all such illegal extraction of water. Police complaint also has been registered in this regard.



5. Since the petitioner had extracted water illegally after expiry of the license period granted to him, an action already taken in respect of the allegation of illegal extraction of water to be continued by conducting proper investigation or otherwise in the manner known to law.

6. As far as the Status Report filed by the Tahsildar is concerned and the paragraphs 3 to 5 of the Status Report read as under:-

“3. It is submitted that Thiru A.Vijay Babu, S/o.K.Arumugam, has filed WP No.24006 of 2017 before the Hon'ble Court with prayer to direct the respondents to prevent the illegal extraction of water from the abandoned quarry pits in Chikkarayapuram Village, Kundrathur Taluk, Kancheepuram District.

4. It is submitted that Thiru D.Sarankumar, S/o.Duraisamy, the sixth respondent herein, had applied for extracting water from the abandoned quarry pits in the lands in Survey Nos.296/1A and 296/2 classified as meikal poramboke in Chikkarayapuram Village of Sriperumbudur Taluk (now Kundrathur Taluk), Kancheepuram



District for supplying water to the trees, plants and flower plants at American Consulate General Office, Tvl.The Miot Hospital, Tamil Nadu Ware Housing Corporation and Tvl.Park Hyot Hotel, Chennai. It is submitted that the Revenue Divisional Officer, Sriperumbudur, Kancheepuram District in his order in proceedings Mu.Mu.No.2094/2015 A1, dated 17.11.2015 had granted permission to the sixth respondent, to extract water from the abandoned quarry pits in Chikkarayapuram Village for a period of one year under the provision of Rule 27 of the Chennai Metropolitan Ground Water (Regulation) Act, 1987 with certain conditions. It is also submitted that subsequently, the sixth respondent has granted similar permission to the respondents as per the orders of the Revenue Divisional Officer, Sriperumbudur in proceedings Mu.Mu.No.1812/2016 B, dated 23.03.2017 for extracting ground water from the abandoned quarry pits in Chikkarayapuram Village, for a period of one year and thereafter no permission was granted for extracting ground water from the aforesaid place.

5. It is submitted that the inspection



conducted by this respondent in the said place revealed that the extraction of ground water from the abandoned quarry pits has been stopped long back and as at present no such activities are found. It is also submitted that the sixth respondent, who was enquired in the matter has also stated that he did not extract ground water from the abandoned quarry pit, at Chikkarayapuram Village after 22.03.2018. It is further submitted that with a view to prevent the illegal extraction of ground water, a board has been displayed in the quarry site by the Kancheepuram District Administration, banning the extraction of ground water from the said place. It is also submitted that local Revenue and Police Authorities have also been instructed to keep constant vigil in the said place to ensure that no illegal extraction of ground water takes place from the abandoned quarry site.”

7. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and 5 submitted copies of the photographs to show that Notice Board has been commissioned in the nearby that location. Through Pubic Addressing System also notice was issued to the



people of that locality, so as to prevent the illegal extraction of water.

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8. Water, being capable of stolen, in any area extracting water in an illegal manner is liable to be punishable under the Indian Penal Code. Therefore, illegal extraction of water cannot be dealt with by the Authorities in a lighter manner as water is precious and water is life. Thus the importance of preserving water is to be undertaken by the Competent Authorities not only in the public interest but also to protect the environmental aspects. Therefore any extraction of water for commercial purposes in an illegal manner or otherwise, are to be monitored and all appropriate actions are to be initiated against the persons committing such offences or illegalities.

9. In the present case, the Tahsildar has a right to initiate action and further taken efforts to protect the water from the abandoned quarry pits. The Tahsildar is directed to ensure and monitor continuously, so as to prevent any such theft of water or commission of illegality in that locality.

10. With the abovesaid directions, the writ petition stands



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disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.

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