



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD) No.3519 of 2023

IN

WP(MD) No.3741 of 2023

M/S.DANALAKSHMI PAPER MILLS
PVT LTD - UNIT II, REP. BY ITS DIRECTOR,
MR.P. RAMESH, NO. 31, (OLD NO. 10-Z),
BHARATHI PARK, 7TH CROSS, SAIBABA COLONY,
COIMBATORE 641 011.

... PETITIONER/PETITIONER

Vs

1 THE GOVERNMENT OF TAMIL NADU
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE, SECRETARIAT,
CHENNAI 600 009.

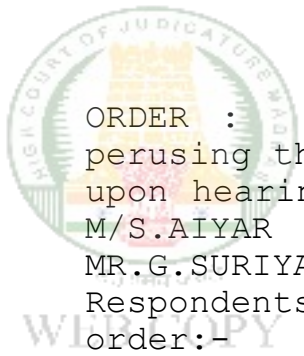
2 THE EXECUTIVE ENGINEER,
WATER RESOURCES ORGANISATION,
PUBLIC WORKS DEPARTMENT,
PERIYAR VAIGAI BASIN DIVISION,
MADURAI 625 002.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to direct the 2nd respondent to permit the petitioner to remit the water charges on the consumed quantity of 15,945 cubic meters for its industrial purpose pending disposal of the writ petition and thus render justice.

PRAYER IN WP(MD) No.3741 of 2023:-

To issue a Writ of Mandamus, directing the 2nd respondent to consider the representation dated 15.09.2022 addressed by the petitioner within a time limit to be fixed by this Honble Court and permit the petitioner to remit water charges on the consumed quantity of 15,945 cubic meters for its industrial purpose.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.JAYESH B.DOLIA, Senior Counsel for M/S.AIYAR AND DOLIA, Advocate for the petitioner and of MR.G.SURIYANANTH, Additional Government Pleader on behalf of the Respondents, while admitting the WP, the court made the following order:-

The learned Senior Counsel appearing for the petitioner draws my attention to the interim order dated 29.06.2006 made in WAMP No.1204 & 1205 of 2006 in WA No.405 of 2006 issued by the Hon'ble Division Bench. The said interim order reads as follows :

"The issue involved in the writ appeal is whether the tariff fixed by the Government for water charges is to be paid on the sanctioned quantity for the industry or on the quantity actually drawn. Way back in the year 1961, the Government passed a G.O in respect of the very same petitioner itself. It is found in that G.O that the tariff has to be paid only on water actually consumed. Mr.AL.Somyaji, learned senior counsel appearing for the petitioner would contend that the reason given by the Government in the impugned G.O that it will involve unnecessary expenditure for the Government to measure the actual quantum of water drawn by the petitioner is not a genuine reason at all since that difficulty, assuming it is there, can be overcome by taking appropriate measures. It is his further submission that if in a given case water is drawn in a particular month less than the sanctioned quantity and still if on the sanctioned quantity the consumer is asked to pay the tariff as fixed, it would cause irreparable injury and hardship to the consumer. Learned senior counsel would fairly state that he is not disputing the tariff rate for the present. But the question is, as already stated, whether the tariff is on the quantity of water actually drawn or on the sanctioned quantity. On hearing him we find a prima facie case for interim order to be passed even at this stage. Mr.K.Elango, learned Special Govt. Pleader would state that he is not ready and seeks time for filing counter. In as much as the petitioner is not disputing the tariff fixed for the present and is only questioning the right to collect the tariff namely, either on the sanctioned quantity or on the quantity actually drawn, we are inclined to pass the interim order. Accordingly, there shall be interim injunction as prayed for. Interim direction as prayed for in WAMP No.1205/2006 is also granted until further orders."

2.The learned Senior Counsel for the petitioner informs this Court that following the issuance of G.O (Ms) No.253 dated 28.09.2018, charges have been revised. The petitioner undertakes to pay the water drawal charges as per the aforesaid G.O for the quantity actually consumed by the petitioner. It is also stated that the water meters have already been installed to measure the



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WMP(MD)



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3.WMP(MD)No. 3519 of 2023 is allowed.

sd/-
01/03/2023

/ TRUE COPY /

/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKM

TO

1 THE GOVERNMENT OF TAMIL NADU
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
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2 THE EXECUTIVE ENGINEER,
WATER RESOURCES ORGANISATION,
PUBLIC WORKS DEPARTMENT,
PERIYAR VAIGAI BASIN DIVISION,
MADURAI 625 002.

+1. C.C. to M/S.AIYAR AND DOLIA Advocate SR.No.12384(F)

ORDER
IN
WMP(MD) No.3519 of 2023
IN
WP(MD) No.3741 of 2023
Date :01/03/2023

NA/BUC/SAR-3/13.03.2023/3P/4C