



W.P(MD)No.25856 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25856 of 2023

G.Muthusamy

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub Collector Cum
Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

4.The Deputy Superintendent of Police,
Keelakarai,
Ramanathapuram District.

5.The Inspector of Police,
Sayalkudi,
Ramanathapuram District.

... Respondents



W.P.(MD)No.25856 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd Respondent to pass orders on the enquiry proceeding in Na.Ka.No.A2/7918/2022 dated 09.12.2022 in light of the orders made by this Court in A.Balamaniraj - Vs- Additional Secretary and other in W.P.(MD).No.20817/2023 dated 28.08.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Venkatasubramaniyan

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 to R3.
Mr.A.Albert James,
Government Advocate for R4 & R5.

ORDER

Heard both sides.

2.The learned counsel for the petitioner relies on the order dated 28.08.2023 passed by the Hon'ble First Bench in W.P.(MD)No.20817 of 2023 (A.Balamaniraj Vs. The Additional Secretary, Government of Tamilnadu, St.George Fort, Chennai). The Hon'ble First Bench held as follows:-



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“7. In the absence of any statute, regulations or executive instructions barring a person to extract water from his own bore-well, no prohibitory orders can be passed against the owner of the bore-well or the persons whom the bore-well owner had permitted to withdraw the water.”

3.The learned Additional Government Pleader informs the Court that as on date no prohibitory order has been passed against the writ petitioner. Hence, the question of passing final order in the petition mentioned enquiry proceedings does not arise. If the petitioner has any cause of action, it is open to the petitioner to move this Court for appropriate relief.

4.With this liberty to the petitioner, this writ petition is disposed of.

No costs.

08.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

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