



WP(MD)Nos.17758, 18298 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.17758, 18298 of 2017

and

WMP(MD)Nos.14305, 14754, 18279 of 2017

WP(MD)No.17758/2017:-

P.Thiru Tamil Arasu

... Petitioner

v.

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The Superintendent of Police,
O/o.Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 3.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Kanyakumari Police Station,
Kanyakumari.
- 4.R.Dhanuskodi
- 5.T.Balaji



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6.R.Muthuraj

... Respondents

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[R.4 to R.6 are impleaded vide order dated 26.02.2018]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the third respondent from interfering with the drawal of water from the petitioner's land in S.No.426/7, then Thamaraikulam Town Panchayat, Agastheeswaram Village, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1 to R.3

Mr.E.V.N.Siva for R.4 to R.6

WP(MD)No.18298/2017:-

V.Velmurugan

... Petitioner

v.

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District.



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3.The Sub-Inspector of Police,
South Thamaraikulam Police Station,
South Thamaraikulam,
Kanyakumari District.

4.R.Dhanuskodi

5.T.Balaji

6.R.Muthuraj

... Respondents

[R.4 to R.6 are impleaded vide order dated 26.02.2018]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents from obstructing the petitioner from drawing ground water from the petitioner's borewell in his land in S.No.429/1 in Narianvilai Village, Kovalam Revenue Village, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner : No appearance

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1 to R.3

Mr.E.V.N.Siva for R.4 to R.6



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COMMON ORDER

The writ petition in WP(MD)No.17758/2017 is filed by one P.Thiru Thamil Arasu for a mandamus forbearing the third respondent / Deputy Superintendent of Police from interfering with the drawal of water from the petitioner's land in S.No.426/7 of Thamaraikulam Town Panchayat, Agastheeswaram Village, Kanyakumari District.

2.The writ petition in WP(MD)No.18298/2017 is filed by one V.Velmurugan for a similar relief as against the respondent Police forbearing them from obstructing the petitioner from drawing ground water from the petitioner's borewell in his land in S.No.429/1 in Narianvilai Village, Kovalam Revenue Village, Agastheeswaram Taluk, Kanyakumari District.

3.Since both the writ petitions are pertaining to drawal of water and obstructions by the police and are also from the same district, these writ petitions have been tagged together by the earlier orders of this Court.



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4.The grievance of the petitioners is that they are drawing water from their respective borewell, however, the police are obstructing them from drawing the water.

5.Learned Counsel appearing for the respondents 4 to 6 submitted that they are the Villagers and the petitioners are drawing water for commercial purpose without obtaining any permission from the authorities concerned. He also referred to an order passed by the Division Bench of this Court in WP(MD)Nos.23704 & 22442 of 2017, dated 14.09.2022. Of these writ petitions, WP(MD)No.22442 of 2017 was filed by the fourth respondent herein to take action as against unauthorised sale of water for commercial purposes. The Division Bench of this Court has directed the official respondents therein to pass appropriate orders in the light of G.O.Ms.No.155, Public Works (R1) Department, dated 28.10.2021.

6.Learned Counsel appearing for the petitioner in WP(MD)No.17758 of 2017 submitted that pursuant to the order passed by the Division Bench in WP(MD)Nos.23704 & 22442 of 2017, the petitioner in WP(MD)No.17758 of



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2017 has approached the competent authority for obtaining a no objection certificate for drawing water as per G.O.Ms.No.155, Public Works (R1) Department, dated 28.10.2021 and the same is still pending. He further submitted that the petitioner has also filed WP(MD)No.2808 of 2023 before this Court for a direction to issue no objection certificate, based on his application and the same is pending consideration.

7.In view of the aforesaid representations, this Court is not inclined to pass any orders in these writ petitions and the same are accordingly closed. The petitioners shall work out their remedy in the writ petition pending in WP(MD)No.2808 of 2023. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
gk

09.06.2023



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Kanyakumari District,
Kanyakumari.
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B.PUGALENDHI, J.

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