



W.P.No.5938 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.5938 of 2020

N.Senthilkumar

.. Petitioner

Vs

- 1 The District Collector
Office of the District Collector
Tirupur.
- 2 The Revenue Divisional Officer
Udumalpet, Tirupur District.
- 3 The Thasildar
Office of the Thashildar
Udumalaipettai Taluk
Tirupur District.
- 4 The Divisional Engineer
Highways Department
Dharapuram
Tirupur District.
- 5 The Village Administrative Officer
Maanupatti, Udumalai Madathukulam
Tirupur District.



W.P.No.5938 of 2020

WEB COPY

6 The Block Development Officer
Udumalpet, Tirupur District.

7 Senthil

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the 3rd Respondent in proceedings dated 18.06.2019 in pa.mu.2542/2018/a2 granting Path way Tax Permission to the 7th Respondent to lay pipe line measuring 4271.8 meter to draw water from the well in the Non-Ayakattu land in S.No.665/3A and to transport the water to irrigate the Ayakattu land in S.No.703/3 and quash the same.

For the Petitioner : Ms.C.Sriranjani

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1 to 5

: Mr.D.R.Arun Kumar
for 7th respondent

: No appearance
for 6th respondent

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Heard Ms.C.Sriranjani, learned counsel for the petitioner;
Mr.A.Edwin Prabakar, learned State Government Pleader for
respondents 1 to 5; and, Mr.D.R.Arun Kumar, learned counsel for the



W.P.No.5938 of 2020

WEB COPY

seventh respondent.

2. Challenging the order of the third respondent granting track rent permission to the seventh respondent to lay pipeline measuring 4271.8 meter to draw water from the well in Survey No.665/3A to the land in Survey No.730/3, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submitted that granting track rent permission to the seventh respondent to lay pipe line under the earth for transporting water for commercial activities is arbitrary and is in violation of Articles 14, 19 and 21 of the Constitution of India. The respondent authorities have failed to see the public welfare before granting permission to the seventh respondent to lay the pipeline and also without following the principles of natural justice and without calling for objections from the public, the third respondent has unilaterally granted such permission.

4. Learned counsel for the petitioner further submitted that the respondent authorities have failed to monitor the illegal tapping of



W.P.No.5938 of 2020

water from Amaravathi river by using oil engine and motors. If this illegal activity is allowed to continue, the farmers at the tail end of Amaravathi river will be seriously affected and will be deprived of water for irrigation of their land and for drinking purpose. Adding further, learned counsel would submit that the respondent authorities have failed to see that rivers and waterbodies have to be preserved and failure in this regard would have serious repercussions on the livelihood and result in water scarcity.

5. Per contra, learned State Government Pleader submitted that for grant of track rent permission to the seventh respondent to take water from the well in Survey No.665/3A to the land in Survey No.730/3 for the agriculture purpose by laying pipeline under the earth, A1 notice was published through Tom Tom in Andiagoundanur Village and no objection was received from the general public and after inspection being carried out by the third respondent, a proposal was submitted to the District Revenue Officer, Tiruppur through the Revenue Divisional Officer, Udumalpet. The Revenue Divisional Officer after inspecting the above field and the well and upon scrutiny of the documents has recommended and submitted a proposal to the



W.P.No.5938 of 2020

WEB COPY

District Revenue Officer for issuance of track rent permission to the seventh respondent. Upon inspection, the District Revenue Officer issued an order dated 3.6.2019 and pursuant to the order dated 3.6.2019 of the District Revenue Officer, the third respondent has granted track rent permission to the seventh respondent permitting him to take water from the well situated in Survey No.665/3A to the land situated in Survey No.730/3 by laying pipeline under the earth through the Government poramboke lands for the agriculture purpose for the period from 11.6.2019 to 17.6.2024 with conditions prescribed in G.O.Ms.No.1002, Revenue Department, dated 2.12.1993.

6. Learned State Government Pleader further submitted that the seventh respondent has not violated any conditions and he is taking water from the well situated in Survey No.665/3A to the land in Survey No.730/3 for the agriculture purpose only and the seventh respondent is not taking the water for any commercial purpose.

7. Learned counsel for the seventh respondent submitted that all the aspects pertaining to the pipeline laid are within the legal parameters and none of the terms and conditions set forth in the



W.P.No.5938 of 2020

impugned order were violated by the seventh respondent. The present writ petition under the guise of public interest litigation has been filed by the petitioner at the insistence of one Dharmaraj, who was working as Work Inspector of Public Works Department. In fact, the petitioner has filed two writ petitions, being W.P.Nos.26390 of 2017 and 7087 of 2020, seeking to quash the track rent permission issued to one Manonmani and Dr.Saraswathi. In W.P.No.26390 of 2017, an Advocate-Commissioner was appointed to note down the physical features and based on the report filed by the Advocate-Commissioner, this Court came to the conclusion that the illegalities alleged by the petitioner therein could not be conclusively established and accordingly, disposed of the said writ petition. Insofar as W.P.No.7087 of 2020 is concerned, the petitioner allowed the said writ petition to be dismissed for non-prosecution.

8. Learned counsel for the seventh respondent further submitted that as the track rent permission got expired on 17.6.2024, the seventh respondent has submitted the renewal application for renewal of the track rent permission to the third respondent and the same is pending consideration. Therefore, the Court may issue



W.P.No.5938 of 2020

suitable direction to the third respondent to renew the track rent permission in favour of the seventh respondent.

9. We have considered the rival submissions and also perused the materials available on record.

10. Though the petitioner alleged illegal tapping of water from Amaravathi river and selling it commercially, there is nothing on record to prove the same. In the absence of any concrete proof filed by the petitioner, it cannot be contended that there is illegal tapping of water from Amaravathi river. The allegation of the petitioner qua the illegal tapping of water is as vague as it could be.

11. As far as the challenge made to the track rent permission granted in favour of the seventh respondent is concerned, according to learned State Government Pleader, after following due process, the track rent permission was granted to the seventh respondent and that the seventh respondent has not violated any conditions and he is taking water from the well situated in Survey No.665/3A to the land in Survey No.730/3 for the agriculture purpose only and he is not



W.P.No.5938 of 2020

taking water for any commercial purpose. To disprove the said contention, the petitioner has not produced any material before us.

12. On a perusal of the impugned order, it is clear that the impugned order has been issued by the third respondent pursuant to the recommendation made by the District Revenue Officer. It is also clear from the material produced before us that the District Revenue Officer has recommended for issuance of track rent permission in favour of the seventh respondent only after inspecting the field and the well in question. Therefore, it cannot be contended that the petitioner had obtained track rent permission illegally. We are of the view that the allegation of the petitioner has no legs to stand and the writ petition deserves to be dismissed.

13. Accordingly, the writ petition is dismissed. However, the third respondent may consider the renewal application filed by the seventh respondent and take a decision thereon in accordance with law as early as possible. We make it clear that if any such violation or illegal tapping of water for commercial purpose is brought to the notice of the respondent authorities, the respondent authorities are



W.P.No.5938 of 2020

duty bound to inspect the field/site and take appropriate action for cancellation of the permission. The respondent authorities are also directed to conduct periodical inspection to verify the illegal tapping of water, if any, in Amaravathi river and if any illegal tapping is found, action in accordance with law be undertaken by the respondent authorities. There shall be no order as to costs. Consequently, W.M.P.Nos.6956 and 6959 of 2020 are closed.

(D.K.K., ACJ.) (K.B., J.)
30.07.2024

Index : Yes/No
NC : Yes/No
bbr

To:

- 1 The District Collector
Office of the District Collector
Tirupur.
- 2 The Revenue Divisional Officer
Udumalpet, Tirupur District.
- 3 The Thasildar
Office of the Thashildar
Udumalaipettai Taluk
Tirupur District.
- 4 The Divisional Engineer
Highways Department



W.P.No.5938 of 2020

WEB COPY

Dharapuram
Tirupur District.

- 5 The Village Administrative Officer
Maanupatti, Udumalai Madathukulam
Tirupur District.
- 6 The Block Development Officer
Udumalapet, Tirupur District.



WEB COPY



W.P.No.5938 of 2020

THE HON'BLE ACTING CHIEF JUSTICE
AND
K.KUMARESH BABU,J.

bbr

W.P.No.5938 of 2020

30.07.2024