



W.P. No.23557 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM:

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P. No.23557 of 2021

P. Thangarasu

... Petitioner

vs.

1. Government of Puducherry
Rep. by its Additional Director of
Agriculture (Incharge),
Department of Agriculture and
Farmers Welfare,
Office of the Additional Director of Agriculture,
Karaikal.

2. The Chief Engineer,
Public Works Department,
No.34, Lal Bahadur Sastri Street,
Puducherry – 605 001.

3. Puducherry Ground Water Authority
Rep. by its Member Secretary,
No.15, 3rd Cross Street, (Extension),
Mariamman Nagar,
Karmanikupam,
Puducherry – 605 004.

4. Tahsildar,
Revenue Department,
Karaikal.

... Respondents



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Prayer : Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus after calling for the concerned records from the 3rd respondent, quash the order of the 3rd respondent bearing ref. No.264/PGWA/Mis./2021-22/195, dated 25.08.2021 as illegal, arbitrary, contrary to law and in gross violation of Section 6 of the Puducherry Ground Water (Control and Regulation) Act, 2002 and consequently direct the 3rd respondent to consider my application dated 27.07.2021 made pursuant to Section 6(1) of the Puducherry Ground Water (Control and Regulation) Act, 2002 (hereinafter referred to as the Act) for grant of permission to supply water for essential like Marriage, Death and also for supply of drinking water to the Fisherman who go for high sea fishing.

For Petitioner : Mr.Balan Haridas

For Respondents 1 to 4 : Mr. R. Sreedhar
Addl. Govt. Pleader

ORDER

This writ petition has been filed challenging the order passed by the 3rd respondent dated 25.08.2021 thereby rejected the request made by the petitioner to extract water from his own patta land.

2. The petitioner owned agricultural land admeasuring 1 Acre 50 Cents. For cultivating purpose in the said land, the petitioner dugged up bore well and also obtained electricity service connection. However, there



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is no agricultural activities and as such the petitioner submitted application under the Puducherry Ground Water (Control and Regulation) Act, 2002 before the 3rd respondent to extract water from the bore well and distribute to the fisherman who go for high sea fishing. However, the said request was rejected by the third respondent based on the complaint and objections raised by one Raja, S/o.Chinnaiyan. After the receipt of the objections raised by the 3rd party and not giving any opportunity to the petitioner for hearing, the 3rd respondent passed the said impugned order. Therefore, the said act is clear violation of principles of natural justice.

3. In view of the above, the impugned order passed by the 3rd respondent dated 25.08.2021 is quashed. The 3rd respondent is directed to issue notice to the petitioner as well as counter party if any who objected for grant permission to the petitioner and after giving them opportunity of hearing and pass fresh orders in accordance with law and consider the request made by the petitioner to extract water from his own bore well within a period of six weeks from the date of receipt of copy of this order.



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WEB COPY 4. With the above direction, this writ petition is allowed. No costs.

26.04.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
gvn



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To

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G.K. ILANTHIRAIYAN, J.

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