



WEB COPY



W.P.No.29151 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29151 of 2019
and W.M.P.Nos.28945 and 28947 of 2019

M/s.Saai Sakthi Minerals,
Represented by its Proprietor,
K.V.Srigandhi

... Petitioner

-Vs-

1. The Collector,
Erode, Erode District.
2. The Tashildar,
Erode, Erode District.
3. The Commissioner,
Corporation of Erode, Erode.
4. The Assistant Commissioner,
Zone -III,
Corporation of Erode,
Erode.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for all the records on the file of the fourth respondent in Na.Ka.No.E1/2521/2017 dated 09.09.2019 and consequential order passed by the third respondent in Na.Ka.No.E1/2521/2019 dated 27.09.2019 and quash the same.



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For Petitioner : No appearance
For R1 and R2 : Mr.V.Manoharan
Additional Government Pleader
For R3 and R4 : Mr.M.Rajamathivanan
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent dated 09.09.2019 and the consequential order passed by the third respondent dated 27.09.2019, thereby ordered to seal the bore well of the petitioner.

2. There is no representation on behalf of the petitioner. Heard the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the respondents 3 and 4 and perused the materials available on record.

3. The petitioner is in the business of processing the mineral water and supplying in the bottled containers in different quantities. While being so, the Government of Tamil Nadu passed an order in G.O.Ms.No.142, Public Works Department, dated 23.07.2014 for regulation of ground water extraction. Accordingly, the procedures have to be strictly complied with. The petitioner had applied for license before



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the Food Safety Wing of Tamil Nadu Food Safety and Drug Administration Department. After inspection, he was granted license and it was valid up to 09.07.2024. Subsequently, it was periodically renewed. While being so, the fourth respondent issued notice dated 09.09.2019 calling upon the petitioner to stop the water extraction from the bore well and supplying in the filled water can, within 24 hours. Thereafter, the third respondent issued an order to seal. Subsequently, the case of the petitioner is that the petitioner is not drawing water from the bore well for his mineral water business and he is purchasing water from out source.

4. A perusal of the counter and on the submissions made by the learned standing counsel for the third respondent revealed that on receipt of several complaints from general public stating that the petitioner dug up a bore well and extracted huge quantity of water for the mineral water business. Therefore, other bore wells are dried and they are suffering even for daily water usage. On receipt of the same, the Assistant Engineer, Land Water Sub Division Office made inspections in the petitioner's place and found that the petitioner is illegally extracting bore well for their water business. He further submitted a report before the first



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respondent. Thereafter, the petitioner was issued notice. However, there is no proper explanation from the petitioner and it was confirmed that the petitioner is drawing water from bore well and as such, the bore well of the petitioner is rightly sealed from drawing water from the bore well.

5. In view of the above, this Court finds no infirmity or illegality in the orders passed by the third and fourth respondents and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

29.10.2024
(2/2)

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

1. The Collector,
Erode, Erode District.



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2. The Tashildar,
Erode, Erode District.
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G.K.ILANTHIRAIYAN. J.

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