



W.P(MD)No.6912 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6912 of 2024

and

W.M.P.(MD)No.6441 of 2024

K.Ravichandran

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Ramanathapuram.

2.The Executive Engineer,
Public Works Department,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Thiruvadanai Tauluk,
Thiruvadanai,
Ramanathapuram District.

4.The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.

5.M.Chelladurai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd Respondent in his



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proceedings in Na.Ka.Aa3/454/2024 dated 21.02.2024 and quash the same and consequently direct the respondents not to disturb the operation of water purified plant run by the petitioner in his property in Survey No.118/9A situated in Senkanthidal Village, Thiruvadanai Taluk, Ramantahapuram District.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R1 to R3

: Mr.A.Albert James
Government Advocate (crl.side) for R4

ORDER

Heard both sides.

2. The petitioner has installed RO plant for supplying drinking water to the residents of the locality. It is a water based industry. The Tahsildar, Thiruvadanai Taluk has passed the impugned order dated 21.02.2024 restraining the petitioner from carrying on his activities without obtaining clearance from the concerned department. Challenging the said memorandum, the present writ petition came to be filed.

3. The Tahsildar, Thiruvadanai Taluk may not have the jurisdiction to pass the impugned order. But the question that calls for consideration is whether on that ground, the Court should interfere in the matter It is well



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settled that if setting aside the order of an authority will lead to restoration of an illegality, then, relief should not be given.

4. The learned Additional Government Pleader drew my attention to G.O.Ms.142, Public Works (R2) Department, dated 23.7.2014 and G.O.Ms.No. 37, WRO, dated 07.03.2024. It is admitted that Thiruvadanai Taluk will fall within what is known as safe firka. The Government had classified the firka into categories such as over exploited, critical, semi-critical and safe.

5. Even though the learned counsel for the petitioner would claim that No Objection Certificate is not required, I am more than satisfied that the water based industries have to obtain No Objection Certificate from the Chief Engineer State Ground and Surface Water Resources Data Centre, Taramani, Chennai. The petitioner is therefore mandated to apply to the said authority. As and when such application is given, the same shall be disposed of within a period of one month thereafter. After the petitioner obtains such an NOC, the petitioner can very well continue to run his business. The impugned memorandum of the Tahsildar will abide by the order to be passed by the aforesaid competent authority.

6. The learned counsel for the petitioner states that the close relative of the fifth respondent (one Karthick S/o.Naga Sundaram) is also running the very same business and that to favour him, the impugned memorandum has



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been issued. I do not want to go into the said allegation. I direct the first respondent to verify this allegation and if it is true, the said Karthick S/o. Naga Sundaram shall also not be permitted to carry on his business without getting permission from the competent authority.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

25.03.2024

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 26.03.2024

TO

- 1.The District Collector,
Collectorate,
Ramanathapuram.
- 2.The Executive Engineer,
Public Works Department,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Thiruvadanai Tauluk,
Thiruvadanai,
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G.R.SWAMINATHAN, J.

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