



W.P(MD)No.12367 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12367 of 2020

and

W.M.P(MD)No.10578 of 2020

R.Veerapandian

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Assistant Director,
Singampunari Town Panchayat,
Singampunari,
Sivagangai District.
- 3.The Executive Officer,
Singampunari Town Panchayat,
Singampunari,
Sivagangai District.
- 4.The Chief Engineer,
Water Resources Department,
State Ground and Surface,
Water Resources Data Center,
Tharamani, Chennai – 600 113

... Respondents



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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 of the third respondent Notifications in Na.Ka.No. 246/2020/A3 dated 31.08.2020 along with the Notification dated 19.08.2020 in Na.Ka.No.246 of 2020 and quash the same as illegal and consequently direct the third respondent to issue the NOC in Annexure III for the water unit of the petitioner situate in Survey Nos. 7/5d of Singampunari South Village, Singampunari Taluk, Sivagangai District.

For Petitioner : Mr.V.Malaiyendran
for Mr.S.Muthuraman

For Respondents : Mr.S.Kameshwaran
Government Advocate

ORDER

Heard both sides.

2.The petitioner wants to extract ground water for commercial purposes. The third respondent had declined to issue “No Objection Certificate”. Challenging the same, the present writ petition came to be filed.



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3.The learned counsel appearing for the petitioner strongly submits that the fourth respondent is the competent authority and that it is not open to the third respondent to pass the impugned order.

4.Even though I endorse the contention of the petitioner's counsel that the fourth respondent is the competent authority, I cannot interfere with the stand taken by the third respondent. According to the third respondent, the area comes under an exploited region and that therefore he cannot give No Objection Certificate. It is for the petitioner to move the fourth respondent and obtain license or No Objection Certificate.

5.Granted liberty to the petitioner to move the fourth respondent for obtaining license / No Objection Certificate, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



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G.R.SWAMINATHAN, J.

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