



W.P.(MD)No.3850 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.11.2024**

CORAM:

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

W.P.(MD)No.3850 of 2019  
and  
W.M.P.(MD)No.3008 & 3009 of 2019

J.John Amalraj,  
Secretary,  
Ramanathapuram District  
Consumer Right Protection Association. ... Petitioner

/Vs./

1.The District Collector,  
Ramnathapuram  
Ramnathapuram District.  
  
2.The Chief Engineer,  
State Ground and Surface Water Resources Data Centre,  
Tharamani,Chennai. ... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1<sup>st</sup> respondent in Na.Ka.Ni.5 / 3393 / 2017 dated 30.11.18 and quash the same as illegal and consequential direct the respondents to frame a scheme in accordance with G.O.Ms.No.



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142 Public Works (R2) Department dated 23.07.14 within a period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.D.Gandhiraj

Special Government Pleader

### **ORDER**

This writ petition has been filed challenging the order passed by the first respondent dated 30.11.2018 thereby issued guidelines in respect of extracting ground water for commercial purpose.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The only grievance of the petitioner is that it is stated in the impugned order that in order to extract ground water for commercial purpose, No Objection Certificate has to be obtained from the Public Works Department. However, that guideline is against the Government Order in G.O.Ms.No.142, Public Works (R2) Department, dated



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23.07.2014. The general conditions of the said Government Order are as follows:-

*“(VI) GENERAL CONDITIONS:*

*(1) Since Ground Water is a State subject, the Tamil Nadu Pollution Control "Board and ISI should issue the permission only after obtaining the licence from the State Ground and Surface Water Resources Data Centre.*

*(2) The Chief Engineer, State Ground and Surface Water Resources Data Centre will examine the proposals, case by case, in accordance with the guidelines issued by the Government and the Chief Engineer, State Ground and Surface Water Resources Data Centre, is empowered to issue technical circulars then and there as warranted*

*(3) The Chief Engineer, State Ground and Surface Water Resources Data Centre Should ensure that due to drawal of ground water based on the issue of No Objection Certificate/Licence for drawal of ground water the categorisation in the Block/Revenue Firka should not alter its position downwards. Necessary conditions should be imposed to construct adequate Artificial Recharge Structures to recharge stipulated quantity of water with respect to drawal of ground water*

*(4) The No Objection Certificate / Licence for drawal of ground water should be compulsorily renewed every year for the water based industries and to be renewed once in three years for the on-water based industries.*



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*(5) All the existing Guidelines imposed by the Chief Engineer, State Ground and Surface Water Resources Data Centre and guidelines issued then and there by the Government are to be followed by the existing and also proposed users.”*

Accordingly, the second respondent is the competent authority to issue No Objection Certificate for drawal of ground water.

4. In view of the above, the order passed by the first respondent dated 30.11.2018 is hereby quashed, insofar as the direction to obtain No Objection Certificate from the Public works Department alone. It is made clear that No Objection Certificate shall be obtained from the second respondent. This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

**28.11.2024**

Index : Yes / No  
NCC : Yes / No  
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**G.K.ILANTHIRAIYAN, J.**

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Order made in  
W.P.(MD)No.3850 of 2019

Dated:  
28.11.2024