



W.P(MD)No.15777 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15777 of 2020

and

W.M.P.(MD)Nos.13219 and 15772 of 2020

G.V.Sathguru

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Palani,
Dindigul District.

3.The Block Development Officer
(Village Panchayats),
Thoppampatti Panchayat Union,
Palani Taluk, Dindigul District.

4.The President,
Thazhaiyuthu Village Panchayat,
Palani Taluk, Dindigul District.

5.K.Shanmugasundharam

... 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 Certiorari, calling for the records pertaining to the Impugned Communication issued by the 4th Respondent dated 08.02.2020 and quash the same as illegal and arbitrary and for other reliefs within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.S.Kameshwaran,
Government Advocate for R1 to R4.

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4.

2.The petitioner is owning a H0llow block industrial unit and also a hotel. The petitioner is drawing water from his bore well for the aforesaid commercial purposes. The president of the local body objected to the same. By



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the impugned proceedings dated 08.02.2020, the petitioner was informed that if the petitioner does not cease to commercially exploit the ground water by selling the same, TANGEDCO would be informed for effecting disconnection. Challenging the same, the present writ petition came to be filed.

3.The learned counsel for the petitioner states that he is not selling water to any third parties. He is only utilizing the ground water from his bore well in patta only for own use. I am of the view if the ground water is sought to be exploited for commercial purposes, permission has to be obtained from the competent authority.

4.This writ petition is therefore disposed of by permitting the petitioner to approach the competent authority for getting permission / NOC. Only if such NOC is obtained from the competent authority, the petitioner can tap the ground water for commercial use and not otherwise. Liberty is granted to the petitioner to submit an application for issuance of permission before the competent authority. As and when, such an application is received, the competent authority will dispose it of on merits and in accordance with law within a period of twelve weeks thereafter. I make it clear that I have not gone into the merits of the matter. The competent authority may have to receive



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inputs from the filed level officers including the local body before passing final order. No costs. Consequently, connected miscellaneous petitions are closed.

05.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Palani,
Dindigul District.
- 3.The Block Development Officer
(Village Panchayats),
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G.R.SWAMINATHAN, J.

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