



W.P.(MD)No.2333 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2024**

CORAM:

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

W.P.(MD)No.2333 of 2018

and

W.M.P.(MD)No.2536 of 2018

D.Anna Jesurajan

... Petitioner

/Vs./

1. The District Collector
Tirunelveli District,
Tirunelveli.

2. The Assistant Director,
Town Panchayats,
Tirunelveli.

3. The Executive Officer,
Town Panchayat, Panagudi,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order made by the third respondent in his proceedings in Na.Ka.No.13/2017 dated 06.12.2017 and quash the same as illegal and consequently, consider the petitioner's representation dated 11.12.2017.



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For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.D.Gandhi Raj

Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned order made by the third respondent in his proceedings in Na.Ka.No.13/2017 dated 06.12.2017 and consequently, consider the petitioner's representation dated 11.12.2017.

2. The petitioner dig a bore well in his house and taking drinking water for commercial purpose, without any licence or permission. Therefore, the petitioner was served with the notice from the third respondent. On receipt of the same, the petitioner submitted reply stating that he is drawing water only for the purpose of his relatives, when ever there is a water diversity.



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3. The learned Special Government Pleader appearing for the respondents submitted the Government Order in G.O.(Ms.)No.161, Public Works (R2) Department, dated 23.10.2019. The relevant portion of the order reads as follows:

“7. The Government have decided to approve the categorization of the Revenue Firkas in the State based on the Estimation of the Dynamic Ground Water Resources as on March, 2017. Accordingly, the Government approve the categorisation of the Revenue Firkas in the State as Over-Exploited, Critical, Semi-Critical, Safe and Saline/Poor Quality as detailed in the Annexure of this Order, based on the Dynamic Ground Water Resources Assessment as on March, 2017 which shall be notified in the Tamil Nadu Government Gazette.

8. The Chief Engineer (State Ground and Surface Water Resources Data Centre), Water Resources Department is further directed that appropriate rain water harvesting and Artificial recharge schemes shall be carried out in the categories viz., Over exploited, Critical, Semi Critical, Safe and Saline / Poor quality Firkas of Tamil Nadu. While carrying out the above Schemes, priority shall be given to marginal quality and bad quality areas so as to avoid further deterioration.”



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4. Therefore, the petitioner's Zone is declared as safe and hence, after getting necessary permission from the authorities concerned, the petitioner has to draw water for other purpose.

5. This Court finds no infirmity or illegality in the order passed by the third respondent and this Petition is devoid of merits. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.11.2024

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

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G.K.ILANTHIRAIYAN, J.

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Order made in
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