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W.P.(MD) No.19304 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.19304 of 2017

P.Malaisamy

... Petitioner

-VS-

- 1.The Revenue Divisional Officer
Sivagangai Taluk Office
Sivagangai District
- 2.The Chief Engineer
WRD, PWD
State Ground of Surface
Water Resources Date Center
Tharamani, Chennai-113
- 3.The Principal Secretary
Forest and Environment
St.George Fort, Chennai
- 4.The District Forest Officer
Reserve Forest
Sivagangai District



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5.The Tahsildar
Manamadurai
Sivagangai District

6.The Additional Divisional Engineer
TNEB, Sivagangai District

7.M/s.Thirumala Aqua Firm
rep.by through its Proprietor D.Kottaiyan
23-A, Mariamman Kovil Street
Manamadurai
Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 6 to take immediate action to close the seventh respondent's Thirumala Aqua Firm, situated in Manambaki Group, Nathampuraki Village, Manamadurai Taluk, Sivagangai District, immediately and also forbear the seventh respondent from drawing the underground water in borewells situated in Survey No.135/1, 2 situated in Manambaki Group, Nathampuraki Village, Manamadurai Taluk, Sivagangai District, which is against the G.O.Ms.No.51, Public Works Department, dated 11.02.2004 and G.O.Ms.No.52, Public Works (R2) Department, dated 02.03.2012 and also circulars and guidelines issued by the competent authorities.



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For Petitioner : No appearance

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R5
R6 – Unserved
Mr.G.Prabhu Rajadurai for R7

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 6 to take immediate action to close the seventh respondent's Thirumala Aqua Firm, situate in Manambaki Group, Nathampuraki Village, Manamadurai Taluk, Sivagangai District, immediately and to forbear the seventh respondent from drawing underground water from the borewells situate in Survey No.135/1, 2, Manambaki Group, Nathampuraki Village, Manamadurai Taluk, Sivagangai District, against the G.O.Ms.No.51, Public Works Department, dated 11.02.2004 and G.O.Ms.No.52, Public Works (R2) Department, dated 02.03.2012 and also the circulars and guidelines issued by the competent authorities in this regard.

2. Today, when the matter was taken up for hearing, learned counsel appearing for the seventh respondent, on instructions, submitted that



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the seventh respondent has approached the authority concerned and obtained necessary permission for drawal of water from the subject land.

3. In view of the above submission of the learned counsel for the seventh respondent, no further adjudication is required in this writ petition. However, we make it clear that if there is any complaint as against the seventh respondent for violation of the terms and conditions imposed, the authority concerned is directed to take necessary action as against the seventh respondent, in accordance with law.

4. With the above observation, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Water Resources Data Center,
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- 3.The Principal Secretary,
Forest and Environment,
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- 5.The Tahsildar,
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R.VIJAYAKUMAR, J.

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