



W.P.(MD)No.30943 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.30943 of 2023

and

W.M.P.(MD).No.26538 of 2023

Selvi

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North,
Madurai.

3.The Secretary to Government,
Public Works Department, WRO,
Government of Tamil Nadu,
Chennai.

... Respondents

*(R-3 is suo motu impleaded vide order dated 19.02.2024 in
W.P.(MD).No.30943 of 2023)*

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the enjoyment of the petitioner on the borewell situated in her punja land in Old S.No.30/3A1, new UDR Survey No.30/3A1A of Iraniyam Village, Madurai North Taluk, Madurai North Registration District, Madurai.



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For Petitioner : Mr.K.Govindarajan
For Mr.S.Sukumar

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner had installed a bore well in the petition mentioned land. It was sealed by the second respondent. The petitioner wants the same to be de-sealed. It appears that the petitioner had been engaged in a water based business.

3. The learned Special Government Pleader rightly points out that without getting permission from the competent authority under G.O.Ms.No.142 Public Works (R2) Department dated 23.07.2014, the petitioner cannot engage himself in such business. The petitioner's counsel states that he will not commercially tap the water source without getting permission from the authorities concerned.

4. The petitioner states that he will apply to the Chief Engineer, State



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GroundWater and SurfaceWater Resources Data Center, Tharamani, Chennai.

As and when application was received, it shall be disposed of on merits and in accordance with law within a period of twelve weeks thereafter. The learned Special Government Pleader also pointed out that the Water Source Department is ceased of the matter and policy decision is being evolved at a high level.

5. Since the petitioner gives a specific undertaking, the petition mentioned bore well is de-sealed. The petitioner is permitted only to utilize the bore well for his own domestic consumption. He shall not commercially exploit the same. He can do so, only after getting permission from the competent authorities.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

28.03.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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G.R.SWAMINATHAN, J.

Nsr

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