



W.P(MD)No.2012 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 2012 of 2025

and

W.M.P(MD)No. 1417 of 2025

M.Valaguru

...Petitioner

Vs.

1. The Chief Engineer,
Water Recourses Department,
Madurai Region,
Tallakulam,
Madurai – 625002.
2. The Superintending Engineer,
Water Recourses Department,
Tirunelveli Region,
718/313, Rettiyarpatti Road,
Perumalpuram Post,
Tirunelveli – 627 007.
3. The Executive Engineer,
Water Recourses Department,
Chittar Basin Division,
Kudiyiruppu,
Tenkasi District.
4. The Assistant Engineer,
Nambiyaru Basin Sub Division,
Nanguneri,
Thirunelveli District.
5. Joseph Ezhil Arasan
[R5 is impleaded vide Court order dated 30.06.2025]

...Respondents



W.P(MD)No.2012 of 2025

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned letter passed by the 3rd respondent in his proceedings in Letter No. Ko.286m/ Vapa/EVAa-1/2024 dated 21.11.2024 and directing the 3rd respondent to grant permission to migrate water across the Nambiyaru River from bore well situated at Survey No.541/ 1B Thoppuvilai Village to Survey No.244 and 242, Thiruvambalapuram Village for agricultural purposes.

For Petitioner : Mr.R.Aravindraj
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader, for R-1 to R-4
Mr.S.Balaji, for R-5
M/s.K.Vidya, Advocate Commissioner

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus to quash the impugned letter passed by the 3rd respondent dated 21.11.2024 and directing the 3rd respondent to grant permission to migrate water across the Nambiyaru River from bore well situated at Survey No.541/ 1B Thoppuvilai Village to Survey No.244 and 242, Thiruvambalapuram Village for agricultural purposes.

2. There are 22 villages situated in two different Taluks. The petitioner sought permission to lay a water pipeline to transport water, and the



permission was initially granted. However, the same was cancelled by the 3rd respondent on 25.11.2024, based on objections raised by the villagers. The present petition challenges that cancellation.

3. The contention of the petitioner is that he laid the pipeline to transport water for agricultural purposes. However, the villagers objected, alleging that the petitioner intended to use the water for commercial purposes, specifically for a lodge run by him.

4. Eventhough the learned counsel for the petitioner vehemently objected and stated that he is not using the water for the lodge, this Court is of the considered opinion that even if the petitioner is using the water for the lodge, it would not constitute a commercial activity. A commercial activity would arise only if the petitioner is selling the water, such as for the production of mineral water. In the present case, there is no such activity, and therefore it does not amount to a commercial use. However, the petitioner should approach the appropriate authority in light of the cancellation of the earlier permission.

5. To ascertain whether the petitioner laid the pipeline and to verify certain other facts, this Court appointed an Advocate Commissioner. According to the Advocate Commissioner's report, a PVC pipeline was found crossing from



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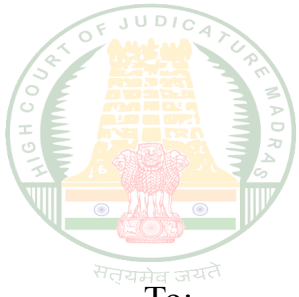
Survey No.541/1B3 to Survey No.244. The available evidence confirms that the pipeline laid by the petitioner runs along this route, although some parts of it are concealed. Survey No.242/3E is located adjacent to Survey No.244/4. It is also recorded that the petitioner is not drawing water from the river.

6. In view of the foregoing reasons, the impugned order passed by the 3rd respondent dated 21.11.2024 is hereby quashed. The respondents are directed to restore the permission previously granted to the petitioner. If any additional permission is required for the said activity, the petitioner is directed to obtain the same from the appropriate authority. As far as the issue of groundwater extraction, the Government has already issued G.O.Ms.No.142, which clearly empowers the authorities to grant permission after verifying the site. In the present case, since the water is already available and not being extracted from 'over exploited area' there can not be any valid objection.

7. With these above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
KSA



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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.2012 of 2025**

DATED : 16.07.2025