



W.P(MD)Nos. 5463 of 2024 & 17067 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)Nos.5463 of 2024 & 17067 of 2025

and

W.M.P(MD)No.5221 of 2024

W.P(MD)No.5463 of 2024

G.S.Products
represented by its Proprietor,
L.Chandrababhu
No.3/780, Nadu Salai, Maangudi,
Valayapettai,
Kumbakonam – 612 702

... Petitioner

vs.

1. The State of Tamil Nadu
represented by its Principal Secretary,
Public Works Department,
St.Fort George,
Chennai.
2. The Chief Engineer, WRD,
State Ground & Surface Water Resources Data Center,
Public Works Department,
Chennai.
3. The Executive Engineer,
Ground Water Division,
No.102, Railway Building, Vallam Road,
Tanjore.

... Respondents



W.P(MD)Nos. 5463 of 2024 & 17067 of 2025

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order of the second respondent in Lr.No.OT9/DD(G)/AG-IV/Fresh NOC-Rejection / 2021 dated 14.08.2021 and quash the same as illegal and direct the second respondent to grant ground water clearance to the petitioner's packaged drinking unit.

W.P(MD)No.17067 of 2025

G.S.Products
represented by its Proprietor,
L.Chandrababhu
No.3/780, Nadu Salai, Maangudi,
Valayapettai,
Kumbakonam – 612 702

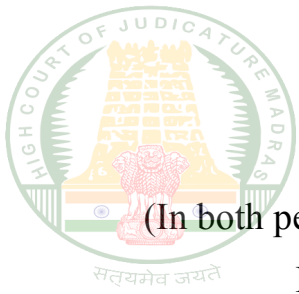
... Petitioner

vs.

1. The District Collector,
Office of District Collectorate,
Tanjore.
2. The Sub Collector,
Office of Revenue Divisional Officer,
Kumbakonam.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to directing the respondents to de-seal or remove the seal place by the respondents on 26.05.2025 on the premises of the petitioner, namely, G S Products No.3/780, Nadu Salai, Maangudi, Valayapettai, Kumbakonam – 612702 forthwith.



W.P(MD)Nos. 5463 of 2024 & 17067 of 2025

(In both petitions)

For Petitioner : Mr.K.Ravi Anantha Padmanabhan
Senior Counsel
for A.R.Kannappan

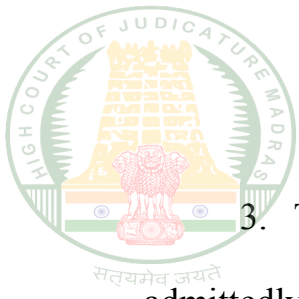
For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader

COMMON ORDER

The Writ Petition in W.P.(MD)No.5463 of 2024 has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 14.08.2021 and consequently, direct the second respondent to grant ground water clearance to the petitioner's packaged drinking unit.

2. Through the impugned order, the respondents have stated that since the petitioner's unit is coming within the purview of Over Exploited Firka, the license was cancelled. The relevant portion is extracted hereunder:

“As per the G.O.(Ms).No.142, Public Works (R2) Department, dated 23.07.2014, the Drawal and transportation of groundwater for water based industries (ie. Those industries which use water as raw material) is not permitted in Critical and Over-Exploited Firka. Hence, water based industries are not eligible to get No Objection Certificate in Over-Exploited and Critical Firka.”



3. The learned Counsel appearing for the petitioner submitted that admittedly the unit is in a Critical and Over-Exploited Firka. However, the petitioner is having another place which comes under the safe zone. Therefore, the petitioner is seeking permission to take water from the safe zone and transported it to the present unit where it is situated. In such circumstances, the respondent may consider the transportation of the said water.

4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner is not having any permission or certificate from any authorities.

5. The said contention was vehemently opposed by the petitioner stating that the petitioner has obtained Bureau of Indian Standards (BIS) certificate. Consequently, the petitioner would obtain a certificate from the Pollution Control Board.

6. The learned Counsel appearing for the respondent further submitted that the BIS has lapsed.

7. Per contra, the learned Counsel for the petitioner submitted that the petitioner will obtain and file a fresh BIS certificate.



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8. Considering the rival submissions, this Court is of the considered opinion that the petitioner may be permitted to transport water from the safe zone to the present unit of the petitioner. The petitioner is directed to submit all the updated certificates to the respondents. On submission of such certificates, the respondents shall further process the application without rejecting it based on G.O.No.142 and pass appropriate order in accordance with the decision of the Hon'ble Division Bench in W.P.(MD)No.1394 of 2025 dated 18.04.2024,. It is made clear that the petitioner is not seeking any permission to draw water from within the Critical and Over-Exploited Firka.

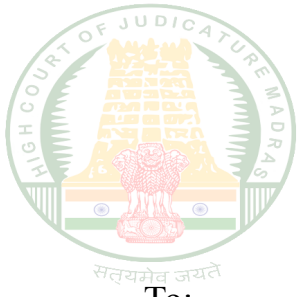
9. As far as W.P.(MD)No.17067 of 2025 is concerned, consequent to the order passed in W.P.(MD)No.5463 of 2024, the respondents shall de-seal the unit.

10. With the above said directions, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr

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To:
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1. The Principal Secretary,
Public Works Department,
St.Fort George,
Chennai.
2. The Chief Engineer, WRD,
State Ground & Surface Water Resources Data Center,
Public Works Department,
Chennai.
3. The Executive Engineer,
Ground Water Division,
No.102, Railway Building, Vallam Road,
Tanjore.
4. The District Collector,
Office of District Collectorate,
Tanjore.
5. The Sub Collector,
Office of Revenue Divisional Officer,
Kumbakonam.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)Nos.5463 of 2024 & 17067 of 2025

DATED : 02.07.2025