



W.P(MD)No.21948 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21948 of 2024

and

W.M.P(MD)No.18592 of 2024

Shree Royal Aqua
rep. By its Proprietor,
Raja,
Shree Royal Aqua,
2/235, Sedar Street,
Thannirpalli, Kulithalai Taluk,
Karur.

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by its, Principal Secretary,
Public Works Department,
St.Fort George,
Chennai.
2. The Chief Engineer, WRD,
State Ground and Surface Water Resource Data Centre,
Public Works Department,
Tharamani, Chennai.

... Respondents



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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 entire records relating to the order of the second respondent in Lr.No.OT8/AG2/NOC-TRY/2020 dated 29.06.2020 and quash the same as illegal and direct the second respondent to grant ground water clearance to the petitioner's industry located in No.2/235 Sedar Street, Thannirpalli, Kulithalai Taluk, Karur District.

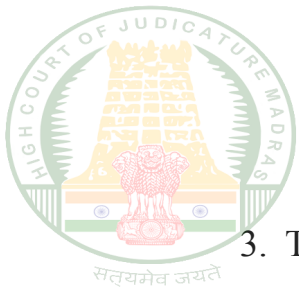
For Petitioner : Mr.J.Madhu

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 29.06.2020 and consequently direct the second respondent to grant ground water clearance to the petitioner's industry located in No.2/235 Sedar Street, Thannirpalli, Kulithalai Taluk, Karur District.

2. Through the impugned order, the respondents have stated that the location of the borewell does not satisfy the spacing norms and hence, the application was rejected.



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3. The Learned Counsel appearing for the petitioner submitted that the petitioner had established the industry in the year 2011 itself. As on the date of starting the industry there was no government order insisting for “no objection certificate”. Hence demanding no objection certificate for the past period is erroneous and G.O.Ms.No.142 Public Works (R2) Department dated 23.07.2014 also granted exemption from any such certificate.

4. The respondents have filed counter. The learned Special Government Pleader by relying on the counter affidavit has submitted the allegation of the petitioner there is violation of principle of natural justice is denied. Further submitted that in the G.O. (Ms)No.142 Public Works (K2) Department dated 23.07.2014 Clause I deals with the categories which are exempted from applying for “No Objection Certificate” for drawal and transportation of groundwater. Wherein it stated under subclause (d) that "existing spacing norms of 50 m from the unlined canal, 200m from river bed and water bodies will continue" condition would continue. Since the petitioner's bore well is located at a distance of 10m from the unlined canal, thereby violating the conditions. Hence based on spacing norms, the petitioner's application was rejected vide C.E.LrNo.018/ AG2/ NOC-IRY/2020 dated 29.06.2020. Even though the said G.O. is having prospective effect, the State Government is having responsibility to safeguard the natural



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groundwater resources for the common people livelihood, especially against the packaged drinking water companies which are exploiting the ground water.

Therefore, prayed to dismiss the writ petition.

5. After hearing the rival submissions this Court had given its anxious consideration. It is seen the issue was considered by the Hon'ble Courts and several directions were issued to the Government in order to protect ground water. The government had considered the issue and has passed government order. The latest G.O.Ms.No.142 Public Works (R2) Department dated 23.07.2014 is covering the issue raised in the present writ petition.

6. Under the said G.O., if there is any new installation, then the norms / conditions stated in the said G.O. would apply. But for existing borewell established prior to 2014 a specific provision is available under the heading "No objection Certificate is required for drawal and transportation of ground water for following categories". Under Clause (II) Sub-Clause (5), it has been clearly stated even in Critical and Over-exploited Blocks, the respondents may consider to grant no objection after ascertain the recharge scheme. The relevant portion is extracted hereunder:



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“(5) In case of industries, which have already been established and functioning in Critical and Over-Exploited Blocks, keeping in view the investment already made in plant and machinery, renewal of No Objection Certificate will be done after the concerned District Collector / Chief Engineer, State Ground and Surface Water Resources Data Centre, Satisfies himself about the provisions of the Artificial Recharge Scheme Structures to recharge the ground water. While issuing No Objection Certificate, the Competent Authority may ensure that water from surface source is not available from Chennai Metropolitan Water Supply and Sewerage Board, Tamil Nadu Water Supply and Drainage Board, Local Body or New Tiruppur Area Development Corporation Limited.”

The petitioner's unit is in existence prior to 2014. Therefore, the sub clause (5) is applicable to the petitioner case.

7. As far as the spacing norms is concerned, the said clause is applicable only for the newly erected borewell and any borewell erected after the issuance of G.O.Ms.No.142 i.e. from 2014. However the same cannot be made applicable for



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the borewell erected prior to 2014. But as stated supra the respondents shall ascertain the recharge scheme in said borewell also.

8. For the reasons stated supra, this Court is of the considered opinion that by citing spacing norms alone the respondents cannot decline to issue no objection certificate. The same is subject to recharge scheme. Therefore, the impugned order is hereby quashed. The matter is remitted back to the second respondent to reconsider the petitioner's issue in the light of Sub-Clause (5) and pass appropriate pass orders. The said exercise shall be done within a period of four (4) weeks from the date of receipt of a copy of this order.

9. With the above said direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.07.2025

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

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To:

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2. The Chief Engineer, WRD,
State Ground and Surface Water Resource Data Centre,
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S.SRIMATHY, J.

jbr

ORDER MADE IN
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