

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

Appeal No.59 of 2022 (SZ)

TO

Appeal No.72 of 2022 (SZ)

IN THE MATTER OF:

Appeal No.59/2022 (SZ)

M/s. Sri Balamurugan Trades, Vellore District.

...Appellant(s)

Appeal No.60/2022

(SZ) M/s. Sri Vari Food Products, Vellore District.

...Appellant(s)

Appeal No.61/2022 (SZ)

M/s. Select Mineral Water, Vellore District.

...Appellant(s)

Appeal No.62/2022 (SZ)

M/s. PSD Aqua, Vellore District

...Appellant(s)

Appeal No.63/2022 (SZ)

M/s. Sathya Drinking Water, Vellore District.

...Appellant(s)

Appeal No.64/2022 (SZ)

M/s. Vellore Aqua Products, Vellore District.

...Appellant(s)

Appeal No.65/2022 (SZ)

M/s. Arun Packaged Drinking Water, Vellore District.

...Appellant(s)

Appeal No.66/2022 (SZ)

M/s. Sri Bagavathi Water Plant, Vellore District.

...Appellant(s)

Appeal No.67/2022 (SZ)

M/s. ARV Rajesh Minerals, Vellore District.

...Appellant(s)

Appeal No.68/2022 (SZ)

M/s. Vellore Aqua & Food Products, Vellore District.

...Appellant(s)

Appeal No.69/2022 (SZ)

M/s. Shree Varsha Enterprises, Vellore District

...Appellant(s)

Appeal No.70/2022 (SZ)

M/s. Mohan Aqua Farm, Vellore District.

...Appellant(s)

Appeal No.71/2022 (SZ)

M/s. Thambi Aqua Industries, Vellore District.

...Appellant(s)

Appeal No.72/2022 (SZ)

M/s. Thanika Water Plant, Vellore District.

...Appellant(s)

Versus

The Chairman Tamil Nadu Pollution
Control Board, Chennai and Ors.

...Respondent(s)

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Filed By
Thiru. S. Sai Sathya Jith
Advocate, Chennai



Counsel for the Respondent

GOVERNMENT OF TAMIL NADU

ABSTRACT

GROUND WATER - Estimation of Ground Water Resources of Tamil Nadu as on March, 2009 - Categorization of Blocks as Over Exploited, Critical, Semi - Critical and Safe for Ground Water Development in Tamil Nadu - Approved Orders – Issued.

PUBLIC WORKS (R2) DEPARTMENT

G.O. (Ms).No.52

Dated: 02.03.2012

Masi-19, Thiruvalluvarandu 2043

Read:

1. G.O Ms.No.51, Public Works Department, Dated 11.2.2004
2. G.O Ms.No.24, Public Works Department, Dated 20.1.2011

Read also:

3. From the Chief Engineer, State Ground and Surface Water Resources Data Centre, Taramani, Chennai-113, Letter No.DD(G)/8474/Assessment/ 2011, Dated 3.8.2011 and 6.9.2011.

ORDER:

In the G.O. first read above, Government approved the categorization of the Panchayat Union Blocks in Tamil Nadu as Over-Exploited, Critical, Semi-Critical and Safe Blocks for Ground Water development as on January, 2003. Government also directed that no schemes should be formulated in Over exploited and Critical blocks and in Semi-Critical and Safe blocks all the schemes should be formulated in consultation with State Ground and Surface Water Resources Data Centre of Water Resources Organization in Public Works Department. The term "scheme" excludes energization of agricultural pumpsets by the Tamil Nadu Electricity Board. Government further directed that appropriate rain water harvesting and artificial recharge schemes (be carried out in all the categories of blocks and while carrying out the above schemes) priority shall be given to the over exploited and critical blocks so as to avoid further

deterioration. In the G.O. second read above, Government constituted a State Level Committee headed by the Secretary to Government, Public Works Department consisting of 18 Members for re-estimation of Ground Water Assessment as on March, 2009 in Tamil Nadu based on the suggestion of the Government of India, Ministry of Water Resources.

2. The Chief Engineer, State Ground and Surface Water Resources Data Centre has stated that the Ground Water resources of the State of Tamil Nadu are being estimated periodically in co-ordination with the Central Ground Water Board, Government of India, SERC, Chennai, based on the Methodology evolved by Ground Water Resources Estimation Committee, 1997 (GEC 97). The assessment previously estimated for Tamil Nadu is as on January 2003 which was approved by the Government of Tamil Nadu in the G.O. first read above is being followed as of now.

3. The Chief Engineer, State Ground and Surface Water Resources Data Centre has also stated that as discussed and decided in the VIth State Level Technical Co-ordination Committee Meeting held on 15th June of 2009, the Assessment of State Ground Water Resources as on March 2009 are taken up jointly with Central Ground Water Board and completed. The Technical details involved in the Ground Water Assessment 2009 were placed in the State Level Working Group Meeting under the Chairmanship of the Chief Engineer, State Ground and Surface Water Resources Data Centre, held on 31.12.2010 and got approved. The Ground Water Assessment 2009 was also placed in the "State Level Committee for Re-estimation of Ground Water Resources Assessment" and approved by the said Committee consisting of 18 members under the Chairmanship of the Secretary, Public Works Department, Chennai-9, constituted as per G.O.(Ms).No.24, Public Works Department, dated 20.1.2011 held on 10.2.2011.

4. The Chief Engineer, State Ground and Surface Water Resources Data Centre has also pointed out that, the National as well as the State Water policies emphasized the periodic' assessment of Ground Water Resources. So far once in five years the assessment is being done. The time gap between the two consecutive assessments via- January 2003 and March 2009 is more than 5

years and the present scenario on Resource Potential and categorization have also changed since then.

5. The Chief Engineer, State Ground and Surface Water Resources Data Centre has also stated that as per the orders issued in the G.O.Ms.No.51, Public Works Department, dated 11.2.2004 no scheme is permitted in **Over Exploited and Critical Blocks of Tamil Nadu.**

6. The Chief Engineer, State Ground and Surface Water Resources Data Centre has also furnished abstract of the categorization blocks as on March 2009 as below:-

Sl. No.	Categorization of Blocks	As on March 2009
1.	Over Exploited Blocks	138+1
2.	Critical Blocks	33
3	Semi Critical Blocks	67
4.	Safe Blocks	136
5	Saline / Poor quality blocks	11
6.	Total Blocks	385+1

He has. also stated that in the above total, 385 denotes, 385 blocks of Tamil Nadu and plus 1 denotes the Chennai District which was taken up as one "assessment unit" since Chennai District is not bifurcated into blocks.

7. The Chief Engineer, State Ground and Surface Water Resources Data Centre has submitted the following proposals for issuing of necessary Government Order for the notification of blocks based on the categorization made as on March 2009 for all the District of Tamil Nadu.

1) All the Over Exploited and Critical Blocks as on March 2009 Assessment may be declared as Notified Blocks (A Category - Stage of Ground Water extraction is 90% and above) and all the Semi critical and Safe Blocks may be declared as Notified Blocks (B Category - Stage of Ground Water extraction is below 89%).

2) While implementing all the schemes including Minor Irrigation schemes effectively, the Government may direct that no schemes should be formulated in over exploited and critical blocks "Notified Blocks A category - (Stage of Ground Water extraction is 90% and above)" and in the case of Semi Critical and Safe blocks on "Notified Blocks - B category -(Stage of Ground Water extraction is below 89%)", all the schemes should be formulated through (State Ground and Surface Water Resources Data Centre of Water Resources Department and the Chief Engineer / State Ground and Surface Water Resources Data Centre will issue the Ground Water Clearance (i.e. NOC from Chief Engineer, State Ground and Surface Water Resources Data Centre, Water Resources Department).

3) The term "Schemes" excludes energisation of Agricultural pump sets by the Tamil Nadu Electricity Board. The present order may also exclude the Ground Water drawl for a). Domestic purpose by individual household, b). Domestic Infrastructure project (Housing), c). Government's Drinking Water Supply Schemes and d). non water based industries, (i.e. - the industries which do not require and use water, either as raw material or for other processing). However, the domestic use of water by this non water based industries will be permitted by the Chief Engineer / State Ground and Surface Water Resources Data Centre based on hydro geological conditions: (i.e. NOC from Chief Engineer, State Ground and Surface Water Resources Data Centre, Water Resources Department, Chennai). The list of non water based industries will be issued by the Industries Department of Government of Tamil Nadu separately.

4) Appropriate rain water harvesting and Artificial recharge schemes should be carried out in the categories viz., Over exploited, Critical, Semi Critical and Safe blocks of Tamil Nadu. While carrying out the above schemes, priority should be given to marginal quality and bad quality areas so as to avoid further deterioration.

5) All the schemes and proposals based on Ground Water will have to adhere to the Government orders and conditions as at Annexure-II of this proposal.

The Chief Engineer, State Ground and Surface Water Resources Data Centre has therefore requested necessary approval of the Government on Ground Water Assessment as on March 2009.

8. The Government have decided to approve the above proposal of the Chief Engineer, State Ground and Surface Water Resources Data Centre. Accordingly, the Government approve the categorization of over-exploited, critical, semi-critical and safe blocks as detailed in the Annexure-I of this order. All the over exploited and critical blocks are notified as A Category - Where Stage of Ground Water extraction is 90% and above and all the Semi critical and Safe blocks notified as B Category -Where Stage of Ground Water extraction is below 89%.

9. The Government further direct that no schemes should be formulated in over exploited and critical blocks "Notified as - A category blocks. In Semi Critical and Safe blocks "Notified as - B category blocks, all the schemes should be formulated through State Ground and Surface Water Resources Data Centre of Water Resources Department and the Chief Engineer / State Ground and Surface Water Resources Data Centre will issue "No Objection Certificate" for Ground Water Clearance.

10. The Government further direct to exclude the Ground Water drawal for domestic purpose by individual household; domestic Infrastructure project (Housing); Government's Drinking Water Supply Schemes and non water based industries, (i.e. the industries which do not require and use water, either as raw material or for other processing). The Chief Engineer, State Ground and Surface Water Resources Data Centre will permit for domestic in use of water by this non water based industries by issuing "No Objection Certificate" based on the hydro geological conditions. The list of non water based industries will be issued by the Industries Department of Government of Tamil Nadu separately.

11. The Government further direct that appropriate rain water harvesting and Artificial recharge schemes shall be carried out in the categories viz, Over exploited, Critical, Semi Critical and Safe blocks of Tamil Nadu. While carrying

out the above schemes, priority shall be given to marginal quality and bad quality areas so as to avoid further deterioration.

12. The Government further direct that all the schemes and proposals based on Ground Water will have to be adhered the Government orders and conditions as detailed in the Annexure-II of this order.

(BY ORDER OF THE GOVERNOR)

M. SAI KUMAR
SECRETARY TO GOVERNMENT

To

The Chief Engineer, State Ground and Surface Water Resources Data Centre.
Taramani, Chennai-113.

All the other Chief Engineers in Public Works Department / Engineer-in-Chief,
Water Resources Department, Chennai-5.

All District Collectors.

The Director of Rural Development, Chennai-104.

The General Manager, National Bank for Agriculture and Rural Development,
Chennai-34.

The Registrar of Co-operative Societies, Chennai.

The Chief Engineer (Assistant Engineer), Chennai-35.

The Director of Agriculture, Chennai - 5.

The Director of Horticulture, Chennai-5.

The Commissioner / Managing Director, Sugar Corporation, Chennai-5.

The Managing Director, Tamil Nadu Water Supply and Drainage Board,
Chennai-5.

The Engineering Director, Tamil Nadu Water Supply and Drainage Board,
Chennai-5.

The Managing Director, Chennai Metropolitan Water Supply and Sewerage
Board, Chennai-2

The Chairman, Tamil Nadu Electricity Board, Chennai-2.

Copy to:

The Energy Department, Chennai-9.

The Agriculture Department, Chennai-9.

The Revenue Department, Chennai-9.

The Environment and Forest Department, Chennai-9.

The Municipal Administration and Water Supply Department, Chennai-9.

The Rural Development and Panchayat Raj Department, Chennai-9.

The Co-operation, Food and Consumer Protection Department, Chennai-9.

The Industries Department, Chennai-9 (for follow up action w.r.to para 10 of this order)

SF/SC.

/FORWARDED BY ORDER/

**Sd/-
SECTION OFFICER**

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No. 40 of 2013 (SZ)
(Suo Motu)

Applicant(s) Respondent(s)
News items of investigation in Vs. The Commissioner, Corporation of
"Packaged Drinking Water units in Chennai and others
Chennai city"

Legal Practitioners for Applicant(s) Legal Practitioners for Respondents
Smt. H. Yasmeen Ali, Advocate for R-2
M/s. M.K. Subramanian and Abdul Saleem
S. Saravanan, Advocates for R-3 and R-7
Shri K.M. Muralidharan Advocate
for R-4 and R-5

Note of the Registry	Orders of the Tribunal
Order No.9	<p>Date: 27.05.2013</p> <p>The counsel for all the parties present. The Tamil Nadu Package Drinking Water Manufacturers' Association is impleaded as 8th Respondent in this Application. Heard all the counsel. The Tribunal, in the last hearing, directed the Member Secretary, Tamil Nadu Pollution Control Board, to make necessary inspection in the 92 units, who according to the Board, did not get consent to Operate and also to collect samples from those units and place before the Commissioner, Food Safety and Drug Administration, Chennai. The Commissionerate was also directed to carry out the qualitative analysis for ascertaining the potability of water and with further directions to file a correlative report before the Tribunal this day i.e., 27.05.2013. Accordingly, the correlative report is filed by the Member Secretary, Tamil Nadu Pollution Control Board and the Additional Secretary, Food Safety and Drug Administration, who are present before the Tribunal. A perusal of the report filed makes it clear that out of 121 units in the city of Chennai, 23 units have obtained consent to operate. Out of the remaining</p>

98 units, 6 were already closed down and direction was issued for inspection and collection of sample for analysis in respect of 92 units. Accordingly, the inspection was made and at the time of inspection, samples were collected in respect of 85 units and placed before the Commisionarate. The Commisionarate, pursuant to the direction of the Tribunal, made a thorough qualitative analysis as per the standard procedure and found that 34 samples complied with quality standards. Out of 51 samples 17 were found to be sub-standard, and were reported to be 'not unsafe' for drinking. The report would further add that, 26 samples sub standard and unsafe for drinking and 8 units were entirely unsafe, as they exhibited aerobic microbial counts exceeding the standard prescribed number for packaged drinking water.

After scrutiny of the above report and also hearing the counsel for the applicants, the Tribunal feels that there cannot be any impediment for permitting the 34 units whose samples are found to be safe for drinking and the next 17 units, samples of which according to the authorities is 'not unsafe' for the purpose of consumption to carry on the manufacturing, packaging and distribution of the packaged drinking water as an interim measure and until further orders of the Tribunal.

In so far as the last 26 units, whose samples, according to the report of the authorities, are sub standard and unsafe and the 8 units which are not only sub standard but also exhibit aerobic microbial count exceeding the standard prescribed for packaged drinking water, it would not be fit and proper to allow either to manufacture and pack or to distribute packaged water to public. Hence, these 34 (26+8) units are restrained from doing so until

further orders.

At this juncture, the learned counsel for the applicant of 34 units would submit that at the time of collection of samples, the same was done all of a sudden and without giving required priming time. The authorities should have followed better procedure, given sufficient time and taken water sample. Only then, the impurities would not have been found. They make a fervent request seeking directions to the Board for following proper procedure and giving sufficient time. In so far as the 7 units which were closed at the time of inspection, the absence of staff who were from distant places led to such closure. After hearing the counsel and in such circumstances and the reasons therefor, the Tribunal is satisfied that inspection and collection of sample in all the 41 units (26+8+7) shall be made procedurally after giving sufficient time and the samples shall be placed before the Commissionerate, Food Safety and Drug Administration Chennai and during which period, the electricity connection is ordered to be given for collection of samples for sufficient time and thereafter stopped. After quality analysis of the samples, a correlative report shall be placed before the Tribunal on 02.07.2013.

It is brought to the notice of Tribunal that for analysis of sample, a regular fee is collected as per rules and a suitable direction has to be given. After hearing, it is ordered that the owners of the units shall pay the prescribed fee to the Commissionerate and get receipt.

The Tribunal feels it fit and proper to record its appreciation for the Board for making the inspection of all

the units stated above in a short span of time and collecting samples and placing the report before the Tribunal. The Commissionarate has also undertaken the duty of analysing the samples within a record time and placed the report before the Tribunal. This could not have been possible if not the entire staff of the Commissionarate did the same round the clock in all these days for which the Board and the Commissionarate have to be appreciated. Accordingly, the work of the concerned staff of the Tamil Nadu Pollution Control Board and Commissionarate of Food Safety and Drug Administration is appreciated.

(Prof. Dr. R. Nagendran)
Expert Member

(Justice M. Chockalingam)
Judicial Member



GOVERNMENT OF TAMIL NADU**ABSTRACT**

Public Works Department - Effective Management of Ground Water - Regulations for Management of Ground Water and Issue of No Objection Certificate / License for Extraction of Ground Water in Tamil Nadu State – Issued

PUBLIC WORKS (R2) DEPARTMENT**G O. (Ms) No. 142****Dated: 23.07.2014.**

Jaya, Aadi 7

Thiruvalluvar Aandu, 2045

Read:-

1 G.O. (Ms.) No. 52, Public Works Department, dated: 2.3.2012

2 From the Chief Engineer, Water Resources Department. State Ground and Surface Water Resources Data Centre. Letter No OT9/AG-IV/2013, dated 5.9.2013 and 13.9.2013.

ORDER:

In the Government Order 1st read above, orders were issued approving the categorization of over-exploited, critical, semi-critical and safe blocks. All the Over-exploited and-Critical blocks are notified as Category - 'A' - where Stage of Ground water extraction is 90% and above and all the Semi-critical and Safe blocks are notified as Category 'B' - where Stage of Ground Water extraction is below 89%. It was also ordered as follows -

(a) No schemes should be formulated in over-exploited and critical blocks "Notified as - A category blocks". In Semi-Critical and Safe blocks "Notified as - B category blocks", all the schemes should be formulated through the State Ground and Surface Water Resources Data Centre of the Water Resources Department and the Chief Engineer, State Ground and Surface Water Resources Data Centre, would issue "No Objection Certificate" for Ground Water Clearance

(b) Drawal of Ground Water for domestic purpose by individual household: domestic Infrastructure project (Housing), Government's Drinking Water Supply Schemes and non - water based industries, (i.e.. the industries which do not require use of water, either as raw material or for other processing) are excluded.

(c) The Chief Engineer, State Ground and Surface Water Resources Data Centre, would issue permit for domestic use of water by these non-water based Industries by issuing "No Objection Certificate" based on the hydro geological conditions.

d) Appropriate rain water harvesting and Artificial recharge schemes should be carried out in the categories viz, Over-exploited, Critical, Semi-Critical and Safe blocks of Tamil Nadu. While carrying out the above schemes, priority should be given to marginal quality and bad quality areas so as to avoid further deterioration.

(e) All the schemes and proposals based on the Ground Water will have to adhere to the Government Orders and conditions as detailed in the Annexure-II to the Government Order 1st read above.

2 In the letters 2nd read above, the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, has reported that in order to safeguard the groundwater aquifers and sustain the ground water potential, the State Ground and Surface Water Resources Data Centre, Water Resources Department, issues No Objection Certificate / Licence / Permit for extraction of groundwater by different users and Circulars issued by him from time to time should also be followed He has also reported that for the effective management of ground water and environment on water sector and to maintain the sustainability on ecology, the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, has sought for approval of the draft Regulations for Management of Groundwater and Issue of No Objection Certificate / Licence for extraction of Groundwater in State of Tamil Nadu suggested by him.

3 The Government after careful consideration of the proposal of the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai, have decided to accept it. Accordingly, in furtherance of the orders and instructions issued in the Government Order first read above, the Government approve the following Regulations for the Management of Ground Water and issuance of No Objection Certificate for extraction of Ground Water in Tamil Nadu. These Orders and Regulations should be scrupulously followed by the authorities concerned.

REGULATIONS FOR MANAGEMENT OF GROUND WATER AND ISSUE OF NO OBJECTION CERTIFICATE / LICENCE FOR EXTRACTION OF GROUND WATER IN TAMIL NADU STATE

In G.O(Ms.) No. 52, Public Works Department, dated 2.3.2012, the Government of Tamil Nadu have approved the categorization of the Blocks in Tamil Nadu as Over-Exploited, Critical, Semi-Critical and Safe for ground water development and notified the same. The categorization will be done periodically by the Government of Tamil Nadu and will be notified. In continuation of the orders issued in the said Government Order, the Government issue the following Regulations for issue of NO OBJECTION CERTIFICATE for extraction and transportation of ground water. These Regulations will come **into force immediately**.

These Regulations extend to the whole of the State of Tamil Nadu except the areas to which the Chennai Metropolitan Area Ground Water (Regulation) Act, 1987 extends.

(I)The following Categories are exempted from applying for NO OBJECTION CERTIFICATE for drawal and transportation of ground water:

(a) Drawal and transportation of ground water for domestic and drinking purposes for individual houses and housing infrastructure projects limited up to the Projects with six dwelling units in any area.

(b) Drawal and transportation of ground water for drinking purposes to educational institutions While issuing No Objection Certificate, theCompetent

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.

(c) Drawal and transportation of ground water for agricultural and horticultural purposes in the State of Tamil Nadu. However, the existing spacing norms of 50 metres from unlined canal and 200 metres from river bed and water bodies will continue

(d) Drawal and transportation of ground water by Local Bodies, Government Institutions, Government Undertakings for drinking water purposes, subject to the clearance by the Water Utilisation Committee **as per rules inforce**

(II) NO OBJECTION CERTIFICATE is required for drawal and transportation of Ground water for the following Categories:

(1) For drawal and transportation of ground water for Housing Infrastructure Project with more than six dwelling units.

(2) For drawal and transportation of ground water for all other Infrastructure Projects buildings

(3) Drawal and transportation of ground water for Industries (However, this will not apply to the existing Industries)

(4) Water based Industries (i.e., those industries which use water as raw material like water bottling units, etc.,) are eligible for No Objection Certificate in Safe and Semi-Critical Blocks only and not in any other category of Blocks

(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.

(III) NON – PERMISSIBLE CATEGORIES

(1) Drawal and transportation of ground water for Water based industries (i.e. those industries which use water as raw material) is not permitted from Critical and Over-exploited Blocks. Hence, water based Industries are not eligible to get No Objection Certificate in Over-exploited and Critical Blocks.

(2) Highly Polluting Industries (14 types - as categorised by the Tamil Nadu pollution Control Board) are not eligible to extract ground water within 5km radius from Cauvery, Pennaiyar, Palar, Vaigai, Thamiraparani and all the major rivers and tributaries as specified vide G.O.(Ms) No.213,Environment & Forest (EC-I) Department, dated. 30.3 89.

(3) In coastal areas, proposal for extraction of ground water within 10 km from the coast (However the distance criteria may be relaxed based on the geological formation which ensures that the geological formation is not susceptible for sea water intrusion due to extraction of ground water in that area)

(4) The areas falling under the Palar Basin Rules, where the spacing prescribed is not available vide G.O (Ms.) No. 1766, Public Works Department, dated 31.10 88.

(5) The extraction point falling within 50 meters from the canal are not eligible for extraction of ground water.

(IV) SUBMISSION OF APPLICATION FOR AVAILING NO OBJECTION CERTIFICATE:

Four sets of application have to be submitted to the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai. in the prescribed format only with the following Annexures:

- (1) Attested copy of registered land ownership document in the name of the applicant (or) lease agreement in the name of the applicant
- (2) The latest Encumbrance Certificate showing the name of the applicant for ascertaining the ownership or lease of the area.
- (3) Field Measurement Book Sketch
- (4) Not to scale topo sketch showing the location of wells and the industry.
- (5) Chitta and Adangal copy
- (6) Copy of Electricity Board Card.
- (7) The distance between the well proposed for groundwater extraction and nearest wells and the depth of the wells to be certified by the Revenue Inspector concerned
- (8) The distance between the well proposed for ground water extraction and nearest surface water body such as tank, canal, stream, river, etc., to be certified by the Revenue Inspector concerned.
- (9) The distance between the well proposed for ground water extraction and the bank of Palar River (Palar Basin Rules) to be certified by the Revenue Inspector concerned.
- (10) "No Objection Certificate" from the Village Panchayat concerned for the proposed quantity of ground water extraction and transportation of groundwater, if any. (The application form and annexures are notified in the website of the Department and Government) along with the Service Charges as prescribed by the Government then and there

(V) Conditions for Processing of Application Forms:

The land in which the drawal wells have been proposed by an industry / organization for issue of No Objection Certificate for drawal of Ground Water should either be own property of the owner / proprietor of the industry / organization registered in his name or a leased property taken on lease by the

owner / proprietor of the industry / organization in his name and duly and properly registered. No other mode of accessibility or permissibility of Land and Well will be entailed to claim (or issue of No Objection Certificate to Industry / organization. The request of the applicant will be processed by the Chief Engineer, State Ground and Surface Water Resources Data Centre and final orders on No Objection Certificate / Licence will be issued after adhering to the Consolidated Guidelines, 2011, dated 28.01.2011. The Chief Engineer, State Ground and Surface Water Resources Data Centre, is empowered to issue No Objection Certificate / Licence observing the Regulations and conditions laid down in the Government Order and guidelines. The Chief Engineer, State Ground and Surface Water Resources Data Centre, is the authority to issue No Objection Certificate / Licence by imposing conditions and also empowered to reject or decline any of the request on technical grounds after scrutiny

(VI) GENERAL CONDITIONS:

(1) Since Ground Water is a State subject, the Tamil Nadu Pollution Control Board and ISI should issue the permission only after obtaining the licence from the State Ground and Surface Water Resources Data Centre

(2) The Chief Engineer, State Ground and Surface Water Resources Data Centre, will examine the proposals case by case, in accordance with the guidelines issued by the Government and the Chief Engineer, State Ground and Surface Water Resources Data Centre, is empowered to issue technical circulars then and there as warranted.

(3) The Chief Engineer, State Ground and Surface Water Resources Data Centre, should ensure that due to drawal of ground water based on the issue of No Objection Certificate / Licence for drawal of ground water the categorisation in the Block / Revenue Firka should not alter its position downwards. Necessary conditions should be imposed to construct adequate Artificial Recharge Structures to recharge stipulated quantity of water with respect to drawal of ground water

(4) The No Objection Certificate / licence for drawal of ground water should be compulsorily renewed every year for the water based Industries and to be renewed once in three years for the non-water based industries

(5) All the existing Guidelines imposed by the Chief Engineer, State Ground and Surface Water Resources Data Centre and guidelines issued then and there by the Government are to be followed by the existing and also proposed users

(BY ORDER OF THE GOVERNOR)

M. SAI KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief, Water Resources Department & Chief Engineer (General). Public Works Department, Chennai-5.

The Chief Engineer, State Ground and Surface Water Resources Data Centre.

Taramani, Chennai-113.

All Regional Chief Engineers

All District Collectors

The Director of Rural Development, Chennai-15.

The General Manager, National Bank for Agriculture and Rural Development, Chennai-34

The Registrar of Co-operative Societies, Chennai

The Chief Engineer (Agricultural Engineering), Chennai-35.

The Director of Agriculture, Chennai - 5

The Director of Horticulture, Chennai-5.

The Commissioner / Managing Director, Sugar Corporation, Chennai-35.

The Managing Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5.

The Engineering Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5.

The Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai-2

The Chairman, Tamil Nadu Electricity Board, Chennai-2

The Managing Director. New Tiruppur Area Development Corporation Limited, Chennai-32

Copy to:

The Secretary to the Hon'ble Chief Minister, Chennai-9

The Senior Personal Assistant to Hon'ble Minister for Finance & Public Works, Chennai-9.

The Energy Department, Chennai – 9

The Agriculture Department, Chennai-9

The Revenue Department, Chennai-9

The Environment and Forest Department, Chennai-9

The Municipal Administration and Water Supply Department, Chennai-9

The Rural Development and Panchayat Raj Department, Chennai-9

The Co-operation, Food and Consumer Protection Department, Chennai-9.

The Industries Department, Chennai-9.

The Home (GI) Department, Chennai-9.

The Bureau of Indian Standards, Southern Regional Office, CIT Campus Road, Taramani, Chennai 113

SF/SC

// FORWARDED / BY ORDER //

Sd/-

SECTION OFFICER

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**Application No. 40 of 2013 (SZ)
(Suo Motu)**

Applicant(s)		Respondent(s)
News items of investigation in “Packaged Drinking Water units in Chennai city”	Vs.	The Commissioner, Corporation of Chennai and others

Legal Practitioners for Applicant(s)		Legal Practitioners for Respondents
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Shri. R. Suriyaprakash for R-1
Smt. H. Yasmeen Ali for R-2
M/s. M.K. Subramanian and
P. Velmani for R-3 and R-7
Shri K.M. Muralidharan
for R-4 and R-5
M/s. Abdul Saleem and Saravanan for R-6
Mr. Ravi Anantha Padmanabhan &
Mr. Duerack Raj Tilak for R-8

Application No. 94 of 2013 (SZ)

Applicant(s)		Respondent(s)
M/s. South India Packaged Drinking Water Manufacturer’s Association, Chennai.	Vs.	The Chairman, Tamil Nadu Pollution Control Board and others
Legal Practitioners for Applicant(s) M/s. Sukumaran and V. Rameshvel		Legal Practitioners for Respondents Smt.H. Yasmeen Ali for R-1, R-2 and R-3

Application No. 96 of 2013 (SZ)

Applicant(s) Shanmuga Aqua Industries Chennai		Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, and others
Legal Practitioners for Applicant(s) M/s. T.S. Rajamohan and P. Suresh Babu		Legal Practitioners for Respondents Smt.H. Yasmeen Ali, for R-1, R-2 and R-3

**Application No.100 of 2013
&
M.A.No.198 of 2014**

Applicant(s)	Vs.	Respondent(s)
M/s. Sudesi Associates rep by its Managing Director, Chennai		The Chairman, Tamil Nadu Pollution Control Board, Chennai.
Legal Practitioners for Applicant(s) Dr. S. Padma		Legal Practitioners for Respondents Smt. Rita Chandrasekar for R-1 and R-2 M/s. Abdul Saleem and Vidyalakshmi for R-4 and R6 Shri P. Gnanasekaran for R-3 and R-7

Application No. 51 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Repute Infotech and Enterprises Ltd., rep. by its General Manager Shi A.L. Barakkah, Chennai		The Member Secretary, Central Ground Water Authority, Delhi and 8 others
Legal Practitioners for Applicant(s) Shri R. Satyanarayanan, Advocate		Legal practitioners for respondent(s) Shri. M. Christella for R-1 and R-2 M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi Vipin for R-3 and R-5 M/s. M.K. Subramanian for R-4 and R-8 Smt. H. Yasmeen Ali for R-6 and R-7

Application No. 197 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Harsha Aqua Farm, Sappanimadai, Coimbatore Dist.		The Chairman, TNPCB, Chennai and 3 others
Legal Practitioners for Applicant(s) M/s. N. Chinnaraj & M. Mariappan		Legal Practitioners for Respondents Mrs. Rita Chandrasekar for R-1 and R-2 Mr. P. Gnanasekaran for R-3 and R-4

Application No.202 of 2014 (SZ)

Applicant(s)
Mr. R. Poornakumar
Dindigul District

Respondent(s)
Vs. The Chairman, Tamil Nadu Pollution
Control Board, Chennai & 4others

Legal Practitioners for Applicant(s)
M/s.S. Muthukrishnan and
S. Rajeshkannan

Legal Practitioners for Respondent(s)
Mrs. Rita Chandrasekar for R-1 and R-2
Mr.P. Gnanasekaran for R-3

Application No. 204 of 2014 (SZ)

Applicant(s)
M/s. Jaango Foods,
Thiruvannamalai Dist.

Vs.

Respondent(s)
The Chirman, Tamil Nadu Pollution
Control Board, Chennai and 3 others

Legal Practitioners for Applicant(s)
M/s. K. Ravi Anandha Padmanabhan

Legal practitioners for respondent(s)
Smt. Rita Chanadrasekar
for R-1 and R-2
Mr. P.Gnanasekaran for R-3
M/s. Abdul Saleem and
Vidyalakshmi for R-4

Application No. 206 of 2014 (SZ)

Applicant(s)
M/s. S.R.Aqua Solution ,
Thiruvannamallai Dist.

Vs.

Respondent(s)
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 3 others

Legal Practitioners for Applicant(s)
M/s. K. Ravi Ananada Padmanabhan

Legal practitioners for respondent(s)
Smt. Rita Chanadrasekar
for R-1 and R-2
Mr. P.Gnanasekaran for R-3
M/s. Abdul Saleem and
Vidyalakshmi for R-4

Application No. 217 of 2014 (SZ)

Applicant(s)
M/s. Aachi Industries, Chettiyarpatti Post,
Rajapalayam, Virudhunagar Dist.

Respondents:
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 3 others.

Legal Practitioners for the applicant:
M/s. Karush Associates

Legal practitioners for respondents

Application No.224 of 2014 (SZ)**And****M.A. No.129 of 2015 (SZ)**

Applicant(s)

M/s. R.R. Drinking Water
Kaliapettai Village,
Kancheepuram Dist.

Vs. The Chairman, TNPCB,
Chennai and 3 others.

Respondent(s)

Legal Practitioners for Applicant(s)
M/s. M. Kamalanathan and
D. Kingslin

Legal Practitioners for Respondents
Mrs. H.Yasmeen Ali for R-1 and R-2
M/s. Abdul Saleem and
Vidyalakshmi Vipin for R-3
Mr.P.Gnanasekaran for R-4

Application No. 246 of 2014 (SZ)

Applicant(s)

M/s. Abhinav Aqua, Shenoy Nagar,
Chennai.

Vs. The Chief Engineer, PWD,
Ground Water Division,
Chennai and 5 others.

Respondent(s)

Legal Practitioner for Applicant
M/s. TaauRS Associates,
Kamaleshkannan, Subramanian and
S.Sai Sathya Jith.

Legal Practitioner for Respondents
M/s. Abdul Saleem and
Vidyalakshmi for R-1
Mr. Janakiraman for R-2
Mrs. Rita Chandrasekhar for
R-3 and R-4
Mr. P. Gnanasekaran for
R-5 and R-6

Appeal No. 49 of 2014 (SZ)

Applicant(s) M/s. Chennai Machines P. Ltd. Kancheepuram District	Vs.	Respondent(s) The Chairman, TNPCB, Chennai and 3 others.
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Legal Practitioners for Applicant(s) M/s. TAAURS Associates		Legal practitioners for respondent(s) Mrs. Rita Chandrasekar for R-1 and R- Mr.P.Gnanasekaran for R-3 & R-4
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Appeal No. 61 of 2014 (SZ)

Applicant(s) M/s. U.N. Enterprises, Vetangualam Village, Vellore Dist.		Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai and 3 others
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Legal Practitioners for Applicant(s) M/s. Ravi Ananadapadmanaban		Legal practitioners for respondent(s) Mrs. Rita Chandrasekar for R-1 and R-2 Mr. Gnanasekaran for R-3 and R-4
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Application No 192 of 2014 (SZ)
And
M.A. No.260 of 2014

Applicant(s) M/s.VJP Aqua Farms, Podanur Post Coimbatore Dist.		Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai and 4 others
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Legal Practitioners for Applicant(s) M/s. N. Chinnaraj & M. Mariappan		Legal practitioners for respondent(s) Smt. Rita Chandrasekar for R-1 and R-2 Mr. P.Gnanasekaran for R-3 and R-4 M/s.M.K.Subramanian and M.R.Gokul Krishnan for R-5
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Application No. 198 of 2014 (SZ)

Applicant(s) M/s. KSNR Aqua Industries Kalampalayam, Coimbatore Dist.	Vs.	Respondent(s) The Chairman, TNPCB, Chennai and 4 others
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Legal Practitioners for Applicant(s)
M/s. N. Chinnaraj & M. Mariappan

Legal Practitioners for Respondents
Mrs. Rita Chandrasekar for R-1 and R-2
Mr. P. Gnanasekaran for R-3 and R-4
M/s. M.K.Subramanian and
M.R.Gokul Krishnan for R-5.

Application No. 203 of 2014 (SZ)

Applicant(s)
M/s. Phoenix Food Products,
Theni Dist.

Vs. Respondent(s)
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 4 others

Legal Practitioners for Applicant(s)
M/s. S. Muthukrishnan and S.
Rajeshkannan

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar for R-1 and R-2
Shri P. Gnanasekaran for R-3

**Application No. 205 of 2014 (SZ)
and
M.A. No.252 of 2014 (SZ)**

Applicant(s)
M/s. Karpaga Vinayaga Aqua
Industries
Krishnagiri Dist.

Vs. Respondent(s)
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 3 others

Legal Practitioners for Applicant(s)
M/s. K. Ravi Anandha Padmanabhan

Legal practitioners for respondent(s)
Smt. Rita Chanadrasekar
for R-1 and R-2
Mr. P.Gnanasekaran for R-3
M/s. Abdul Saleem and
Vidyalakshmi for R-4

Application No. 208 of 2014 (SZ)

**And
M.A.No.254 of 2014**

Applicant(s)
M/s. ARG Enterprises,
Thirupattur Dist.

Vs. Respondent(s)
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 3 others

Legal Practitioners for Applicant(s)
M/s. K. Ravi Ananada Padmanabhan

Legal practitioners for respondent(s)
Smt. Rita Chanadrasekar

for R-1 and R-2
Mr. P.Gnanasekaran for R-4
M/s. Abdul Saleem and
Vidyalakshmi for R-3

Application No. 213 of 2014 (SZ)

Applicant(s)
M/s. Mass Aqua Farms,
Angoorpalayam Village,
Theni District

Respondents:
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 4 others.

Legal Practitioners for the applicant:
M/s. S. Muthukrishnan, S. Rajeshkannan and
V. Vimala

Legal practitioners for respondents
Smt.Rita Chandrasekhar for R1 & R2
Mr.P.Gnanasekhran for R3
M/s Abdul Saleem & Vidyalakshmi for R4

Application No. 215 of 2014 (SZ)

Applicant(s)
M/s. Mayil Aqua Products
Veera chinnamalpuram,
Theni District

Respondents:
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 4 others.

Legal Practitioners for the applicant:
M/s. S. Muthukrishnan, S. Rajeshkannan and
V. Vimala

Legal practitioners for respondents

Application No. 221 of 2014 (SZ)

Applicant(s)
M/s. Modern Distilled Water
And Acid Supply & Co., Chennai.

Vs Respondent(s)
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 6 others

Legal Practitioners for Applicant(s)
M/s. Dr. S. Padma and V. Duraipandi

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar for R-1 and R-2
Shri P. Gnanasekaran for R-4
M/s. Abdul Saleem and Vidya Lakshmi for
R-5 and R-7

Application No. 231 of 2014 (SZ)

Applicant(s)

Respondent(s)

M/s. A.S. Water Techology, Annur P.O. Vs. The Chairman, Tamil Nadu
Coimbatore Dist. Pollution Control Board and 4 others

Legal Practitioners for Applicant(s)
M/s. Ravi Ananda Padmanaban

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar for R-1 & R-2
M/s. Abdul Saleem and
Vidyalakshmi for R-3
Shri P. Gnanasekaran for R-4

Application No. 257 of 2014 (SZ)

Applicant(s)

Respondent(s)

M/s. Aqua King Kottai. Vs. The Chairman, Tamil Nadu Pollution Control
Board, Chennai and 3 others

Legal Practitioners for Applicant(s)
Shri K. Ravi Ananthapadmanaban,

Legal Practitioners for Respondent(s)
Smt. H. Yasmeen Ali, for R-1 and R-2
Smt. Vidhyalakshmi for R-3
Shri P Gnanasekaran for R-4 and R-5

Application No. 259 of 2014 (SZ)

Applicant(s)

Respondent(s)

M/s. Pamban Aqua Products Vs. The Chief Engineer, PWD, State Ground and
Pvt. Ltd., Pandur Village Surface Water Data Research Centre,
KancheepuramDistrict Tharamni, Chennai and another

Legal Practitioners for Applicant(s)
Shri K. Ravi Ananthapadmanaban,

Legal Practitioners for Respondent(s)
Smt. H. Yasmeen Ali, for R-1 and R-2
Smt. Vidhyalakshmi for R-3
Shri P Gnanasekaran for R-4 and R-5

Application No. 260 of 2014 (SZ)

Applicant(s)			Respondent(s)
M/s. JSM Aqua Products Punnai Village Thiruvannamalai Dist.	Vs.	The Chief Engineer, PWD, State Ground and Surface Water Data Research Centre, Tharamni, Chennai and another	

Legal Practitioners for Applicant(s)	Legal Practitioners for Respondent(s)
Shri K. Ravi Ananthapadmanaban,	Smt. H. Yasmeen Ali, for R-1 and R-2 Smt. Vidhyalakshmi for R-3 Shri P Gnanasekaran for R-4 and R-5

Application No.77 of 2015 (SZ)

Applicant(s)			Respondent(s)
M/s. Varasidhi Lakshmi Ganapathi Mineral Water, kondapalayam Village Vellore Dist.	Vs	The Chairman, Tamil Nadu Pollution Control Board, Chennai and 2 others	

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
M/s. Ravi Anandapadmanaabhan	Smt. Rita Chandrasekar for R-1 and R-2 Shri P. Gnanasekaran for R-3

Appeal No. 58 of 2014 (SZ)

Applicant(s)			Respondent(s)
M/s. Saraswathi Bangajam RO Packaging Water Plant, Vilupuram Dist.	Vs.	The Chairman, Tamil Nadu Pollution Control Board, Chennai and 3 others	

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
M/s. K. Ravi Ananada Padmanabhan	Smt. Rita Chanadrasekar for R-1 and R-2 Mr. P.Gnanasekaran for R-3 M/s. Abdul Saleem and Vidyalakshmi for R-4

Appeal No. 59 of 2014 (SZ)

Applicant(s)			Respondent(s)
M/s. Maruthi Food Products Trichy Dist.	Vs.	The Chairman, Tamil Nadu Pollution Control Board, Chennai and 3 others	

Legal Practitioners for Applicant(s)
M/s. K. Ravi Ananada Padmanabhan

Legal practitioners for respondent(s)
Smt. Rita Chanadrasekar
for R-1 and R-2
Mr. P.Gnanasekaran for R-3
M/s. Abdul Saleem and
Vidyalakshmi for R-4

Appeal No.65 of 2014 (SZ)

Applicant(s)
Mettur Water, Mettur Taluk,
Salem.

Respondent(s)
Vs. The Chairman, TNPCB, Chennai
and 4 others

Legal Practitioner for Applicant
M/s. Ravi Ananda Padmanabhan

Legal Practitioner for Respondents
Smt. Rita Chandrasekar for R-1 and R-2
M/s. Abdul Saleem and
Vidyalakshmi for R-3
Shri. P. Gnanasekaran for R-4 and R-5

Appeal No. 74 of 2014 (SZ)

Applicant(s)
Mr. R. Arulmani
Coimbatore

Vs. The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 7 others

Respondent(s)

Legal Practitioners for Applicant(s)
M/s. Satish Parasaran and R.
Parthasaraty

Legal practitioners for respondent(s)
Ms. Rita Chandra Sekar for R-1 and R-2
M/s. Abdul Saleem and Vidyalakshmi for R-
4
Mr. Gnanasekaran for R-5, R-6 and R-7
M/s M.K. Subramaniam and M.R. Gokul
Krishnan for R-8

Appeal No. 75 of 2014 (SZ)

Applicant(s)
Mr. K. Arumugam
Coimbatore

Vs. The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 7 others

Respondent(s)

Legal Practitioners for Applicant(s)
M/s. Satish Parasaran and R.
Parthasaraty

Legal practitioners for respondent(s)
Ms. Rita Chandra Sekar for R-1 and R-2
M/s. Abdul Saleem and

Vidyalakshmi for R-4
 Mr. Gnansekaran for R-5, R-6 and R-7
 M/s M.K. Subramaniam and
 M.R. Gokul Krishnan for R-8

Appeal No. 76 of 2014 (SZ)

Applicant(s)		Respondent(s)
Shri N. Sanmugam M/s. Priya Water Supply, Coimbatore North TK., Coimbatore Dist.	Vs.	Tamil Nadu Pollution Control Board, by its Chairman, Chennai & 7 others.

Legal Practitioners for Applicant(s)		Legal Practitioners for Respondents
M/s. Satish Parasaran, R. Parthasarathy, Rahul Balaji And Ravi Raghunath		Smt. Rita Chandrasekar for R-1 & R-2 M/s. M. K. Subramaniam and M.R. Gokul Krishnan for R-8 M/s. Abdul Saleem and Vidyalakshmi for R-4 Mr. P.Gnanasekaran for R-5, R-6 and R-7

Appeal No. 77 of 2014 (SZ)

Applicant(s)		Respondent(s)
Shri R. Velumani, M/s. Shyam Sundar Water Supply Nallampalayam Coimbatore Dist.	Vs.	Tamil Nadu Pollution Control Board, by its Chairman, Chennai & 7 others.

Legal Practitioners for Applicant(s)		Legal Practitioners for Respondents
M/s. Satish Parasaran, R. Parthasarathy, Rahul Balaji And Ravi Raghunath		Smt. Rita Chandrasekar for R-1 and R-2 M/s. M. K. Subramaniam and M.R. Gokul Krishnan for R-8 M/s. Abdul Saleem and Vidyalakshmi for R-4 Mr. P. Gnanasekaran for R-5, R-6 and R-7

Appeal No. 78 of 2014 (SZ)

Applicant(s)		Respondent(s)
Shri Senthil Kumar M/s. Gokul Water Supply Nallampalayam Coimbatore Dist.	Vs.	Tamil Nadu Pollution Control Board, by its Chairman, Chennai & 7 others.

Legal Practitioners for Applicant(s)		Legal Practitioners for Respondents
M/s. Satish Parasaran, R. Parthasarathy, Rahul Balaji And Ravi Raghunath		Smt. Rita Chandrasekar for R-1 and R-2 M/s. M. K. Subramaniam and M.R. Gokul Krishnan for R-8 M/s. Abdul Saleem and Vidyalakshmi for R-4 Mr. P. Gnanasekaran for R-5 R-6 and R-7

Appeal No. 79 of 2014 (SZ)

Applicant(s)		Respondent(s)
Shri R. Velumani, M/s. Shyam Sundar Water Supply Vilankurichi, Coimbatore	Vs.	Tamil Nadu Pollution Control Board, by its Chairman, Chennai & 7 others.

Legal Practitioners for Applicant(s)		Legal Practitioners for Respondents
M/s. Satish Parasaran, R. Parthasarathy, Rahul Balaji And Ravi Raghunath		Smt. Rita Chandrasekar for R-1 and R-2 M/s. M. K. Subramaniam and M.R. Gokul Krishnan for R-8 M/s. Abdul Saleem and Vidyalakshmi for R-4 Mr. P. Gnanasekaran for R-5 R-6 and R-7

M.A. No. 13 of 2014 (SZ)**in****Application No. 40 of 2013 (SZ) (Suo Motu)**

Applicant(s) in M.A.		Respondent(s) in M.A.
M/s. Bharathi Raja Water Supplies Thudiyalur, Coimbatore 2) River Product, rep. by its partner C. Vijayakumar, Villupuram 3) M/s. Thanam Industries, rep. by its Proprietrix Ms. S. Thanam, Karur	Vs.	The Commissioner, Corporation of Chennai and other New Delhi 2) The Chairman, TNPCB. Chennai 3) the District Environmental Engineer, TNPCB, Chennai

- 4) M/s. A.R. Diary Food (P) Ltd, rep. by its Managing Director Shri Rajasekar, Dindigul and Surface Water Resources
 5) M/s. Rain Aqua Miners, rep. by its partner Date Centre, Chennai
 K. Ambigapathi, Karaikudi
 6) M/s. Deepak Minerals repl. by its Proprietor S. Ganesan, Cuddalore
 7) M/s. Golden Creators rep. by its Proprietor Sriram Kumar, Coimbatore
 8) M/s. VSJ Minerals rep. by its partner Murali, Coimbatore
 9) Shri Krishna Water tech., rep. by its Partner Lakshmi Narayanan, Kanchipuram
 10) Jain Minerals rep. by its partner S. Kumar, Cuddalore
 11) Akshya Packaged Drinking Water, rep. by its Partner R. Vijayalakshmi, Veliyur Post, Kanchipuram Dist.

Legal Practitioners for Applicant(s)

M/s. K. Ravi Anantha Padmanaban, P. Amalanathan and D. Ravichander, Advocates

Legal practitioners for respondent(s)

Shri S. Surya Prakash for R-1
 Smt. Rita Chandrasekar, for R-2
 Vipin, Advocates R-4

M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi
 M/s. M.K. Subramanian and M.R. Gokulakrishnan for R-3

M.A. No. 17 of 2014 (SZ)

In

Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)

M/s. Sri Amaravathi Waters Villupuram

Vs.

Respondent(s)

The Chairman, Tamil Nadu Pollution Control Board and others

Legal Practitioners for Applicant(s)

M/s. TaauRS Associates, S. Si Sathya Jith and Kamalesh Kannan,

Legal Practitioners for Respondents

Smt. Rita Chandrasekar, for R-1 and R-2

M.A. No. 18 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) in M.A.
M/s. Sri Ganesh Aqua Farms, Villupuram

Respondent(s) in M.A.
Tamil Nadu Pollution Control Board,
Chennai and others

Legal Practitioners for Applicant(s)
M/s. TaauRS Advocates, S. Sai Sathya Jith,
Kamalesh Kannan,

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar for R-1

M.A. No. 19 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)
M/s. Durai Lakshmi and Co and 111 others

Respondent(s) in M.A.
Tamil Nadu Pollution Control Board,
Chennai and others

Legal Practitioners for Applicant(s)
M/s. K. Ravi Ananthapadmanaban,
P. Amalanathan and D. Ravichander,,
Advocates

Legal practitioners for respondent(s)

M.A. No. 29 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) .
M/s. SMS Packaged Drinking Water,
Ponneri Taluk and 2 others

Respondent(s) in
The Commissioner, Corporation of Chennai
and 3 others

Legal Practitioners for Applicant(s)
M/s. K. Ravi Ananthapadmanaban,
P. Amalanathan and D. Ravichander,,
Advocates

Legal practitioners for respondent(s)

M.A. No. 31 of 2014 (SZ)
in
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)	Vs.	Respondent(s) in M.A.
M/s. Perfect Packaged Drinking Water Chennai and 3 others		The Commissioner, Corporation of Chennai and other New Delhi and others

Legal Practitioners for Applicant(s)		Legal practitioners for respondent(s)
M/s. D. Ravichander, P. Saritha and P. Danesh Kumar		M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi Vipin for R-1 Smt. Rita Chandrasekar for R-2 M/s. M.K. Subramanian and M.R. Gokul Krishnan for R-4 Shri P. Gnanasekaran for R-5

M.A. No. 35 of 2014 (SZ)
in
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)	Vs.	Respondent(s) in M.A.
M/s. Sakthi Aqua Tech and 11 others		The Commissioner, Corporation of Chennai and 3 others

Legal Practitioners for Applicant(s)		Legal practitioners for respondent(s)
M/s. K. Ravi Anantha Padmanabhan and Duerack Raj Thilak, Advocates		Smt. Rita Chandrasekar Advocate for R-1 Smt. C. Sangamithirai, Advocate for R-2 Shri P. Gnanasekaran, Advocate for R-3 M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi Vipin, Advocates for R-4

M.A. No. 44 of 2014 (SZ)
in
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)	Vs.	Respondent(s) in M.A.
M/s. Balu Raja Aqua Products and 4 others		The Chairman, Tamil Nadu Pollution Control Board and 3 others

Legal Practitioners for Applicant(s)
M/s. K. Ravi Anantha Padmanabhan and
Duerack Raj Thilak, Advocates

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar, Advocate for R-1

M.A. No. 47 of 2014 (SZ)
in
Application No. 40 of 2013 (SZ) (suo motu)

Applicant(s)
Laxmi Systems, Gokulapuram,
Sundarapuram(P.O), Coimbatore

Vs

Respondent(s)
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 3 others

Legal Practitioner(s) for applicant(s)
M/s. Ravi Anantha Padmanaban and
S. Duerack Raj Thilak, Advocates.

Legal Practitioner(s) for respondent(s)

M.A. No. 48 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)
Ram Foods and Beverages
Veppor Village, Vellore Dist.

Vs

Respondent(s)
The DEE, Tamil Nadu Pollution
Control Board, Vellore and 2 others

Legal Practitioner(s) for applicant(s)
M/s. Ravi Anantha Padmanaban and
S. Duerack Raj Thilak, Advocates.

Legal Practitioner(s) for respondent(s)

M.A. No. 63 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (suo motu)

Applicant(s)
Shri Krishna Aqua Packaged
Drinking Water, Ganapathipuram
Village and Post, Vellore Dist.

Vs.

Respondent(s)
The Chairman, Tamil Nadu
Pollution Control Board, Chennai
and 3 others

Legal Practitioners for Applicant(s)
M/s. Ravi Anantha Padmanaban,
S. Duerack Raj Thilak, Advocates

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar, Advocate for R-1

M.A. No. 71 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (suo motu)

Applicant(s)	Vs.	Respondent(s)
Nikki Aqua Products Pallavoor Panchayat, Vallioor Block Tirunelveli Distrct.		The Chairman, Tamil Nadu Pollution Control Board, Chennai

Legal Practitioners for Applicant(s)		Legal practitioners for respondent(s)
M/s. Ravi Anantha Padmanaban, S. Duerack Raj Thilak, Advocates		Smt. Rita Chandrasekar, Advocate for R-1

M.A. No. 73 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (suo motu)

Applicant(s)	Vs.	Respondent(s)
Indira Aqua Farsms, Papparambakkam Tirunelveli Distrct.		The Chairman, Tamil Nadu Pollution Control Board, Chennai

Legal Practitioners for Applicant(s)		Legal practitioners for respondent(s)
M/s. Ravi Anantha Padmanaban, S. Duerack Raj Thilak, Advocates		Smt. Rita Chandrasekar, Advocate for R-1 and R-2 M/s. Abdul Saleem and Vidyalakshmi for R-3 Mr. P. Gnanasekaran for R4 and R5

M.A.No.166 of 2014 (SZ)
In
Appeal No. ----- of 2014

Applicant(s)	Vs.	Respondent(s)
M/s. Seven Star Mineral Water Venkateswarapuram Village Virdhunagar.		The Chairman, Tamil Nadu Pollution Control Board, Chennai and 3 others

Legal Practitioners for Applicant(s)		Legal practitioners for respondent(s)
M/s. Ravi Anantha Padmanabhan		Ms. Rita Chandrasekar for R-1 and R-2 M/s. Abdul Saleem and Vidyalakshi for R-3 Shri P. Gnanasekaran, for R-4

R.A. No. 1 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) B. Rajasekaran, Viralipatti village Vs. Dindigul District. Legal Practitioner for Applicant(s) M/s. Muthukrishnan, S. Rajesh Kannan and Nambi Raj	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai & 4 others Legal Practitioner for Respondent(s) Smt. Rita Chandrasekar for R-1 and R2 Shri P. Gnanasekaran for R-3 Ms. C. Sangamithrai for R-4 M/s. Abdul Saleem and Vidyalakshmi for R-5
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R.A. No. 2 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. T.S. Agencies, Sirkali and 11 others Legal Practitioners for Applicant(s) M/s. Bhargavwan and P. Udaya,	Respondent(s) in R.A. The Chief Engineer, PWD, State Ground and Surface Water Resources Data Centre, Chennai and others Legal practitioners for respondent(s)
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R.A. No. 3 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. Sri Amman Foods, Thiruvaiyaru and 2 others Legal Practitioners for Applicant(s) M/s. Bhargavwan and P. Udaya, Advocates	Respondent(s) in R.A. The Chief Engineer, PWD, State Ground and Surface Water Resources Data Centre, Chennai and others Legal practitioners for respondent(s)
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R.A. No. 4 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. Vasutha Industries, K.K. Nagar, Trichy-2	Respondent(s) in R.A. The Chief Engineer, PWD, State Ground and Surface Water Resources Data Centre, Chennai and others
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Legal Practitioners for Applicant(s) M/s. Bhargavwan and P. Udaya,	Legal practitioners for respondent(s)
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R.A. No. 5 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. K. Murugaiyan, Dasaripatti, Dindigul	Respondent(s) in R.A. Tamil Nadu Pollution Control Board, Chennai and others
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Legal Practitioners for Applicant(s) M/s. S. Muhukrishnan, S. RaJesh Kannan and M. Nambiraj, Advocates	Legal practitioners for respondent(s) Smt. H. Yasmeen Ali, Advocate for R-1
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R.A. No. 6 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) Shri R, Vignesh Prabhu, Seelapadi village, Dindigul District	Respondent(s) in R.A. Tamil Nadu Pollution Control Board, Chennai and others
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Legal Practitioners for Applicant(s) M/s. S. Muhukrishnan, S. RaJesh Kannan and M. Nambiraj, Advocates	Legal practitioners for respondent(s) Smt. H. Yasmeen Ali, Advocate for R-1
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R.A. No. 7 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)
 Shri D. Immanuel Selvaraj,
 Balakrishnapuram, Dindigul District

Respondent(s) in R.A.
 Tamil Nadu Pollution Control Board,
 Chennai and others

Legal Practitioners for Applicant(s)
 M/s. S. Muhukrishnan, S. RaJesh Kannan
 and M. Nambiraj, Advocates

Legal practitioners for respondent(s)
 Smt. H. Yasmeen Ali, Advocate for R-1

R.A. No. 8 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)
 Shri Fasirose Parveen, Dindigul

Respondent(s) in R.A.
 Tamil Nadu Pollution Control Board,
 Chennai and others

Legal Practitioners for Applicant(s)
 M/s. S. Muhukrishnan, S. RaJesh Kannan
 and M. Nambiraj, Advocates

Legal practitioners for respondent(s)
 Smt. H. Yasmeen Ali, Advocate for R-1

R.A. No. 9 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)
 Shri V.R. Sellavelraja, Kombai village,
 Dindigul District

Respondent(s) in R.A.
 Tamil Nadu Pollution Control Board,
 Chennai and others

Legal Practitioners for Applicant(s)
 M/s. S. Muhukrishnan, S. RaJesh Kannan
 and M. Nambiraj, Advocates

Legal practitioners for respondent(s)
 Smt. H. Yasmeen Ali, Advocate for R-1

R.A. No. 10 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)
 Shri D.S. Manoharan, Balakrishnapuram,
 Dindigul District

Respondent(s) in R.A.
 Tamil Nadu Pollution Control Board,
 Chennai and others

Legal Practitioners for Applicant(s)
 M/s. S. Muhukrishnan, S. RaJesh Kannan
 and M. Nambiraj, Advocates

Legal practitioners for respondent(s)
 Smt. H. Yasmeeen Ali, Advocate for R-1

R.A. No. 11 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)
 M/s. A.T.S. Aqua Systems Pvt Ltd.,
 Dindigul District

Respondent(s) in R.A.
 Tamil Nadu Pollution Control Board,
 Chennai and others

Legal Practitioners for Applicant(s)
 M/s. S. Muhukrishnan, S. RaJesh Kannan
 and M. Nambiraj, Advocates

Legal practitioners for respondent(s)
 Smt. H. Yasmeeen Ali, Advocate for R-1

R.A. No. 12 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)
 S. Nagarajan, Dindigul District

Respondent(s) in R.A.
 Tamil Nadu Pollution Control Board,
 Chennai and others

Legal Practitioners for Applicant(s)
 M/s. S. Muhukrishnan, S. RaJesh Kannan
 and M. Nambiraj, Advocates

Legal practitioners for respondent(s)
 Smt. H. Yasmeeen Ali, Advocate for R-1

R.A. No. 13 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. Friends Products, Bodi Taluk, Theni District.	Respondent(s) in R.A. The Chief Engineer, PWD, State Ground and Surface Water Resources Data Centre, Chennai and others
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Legal Practitioners for Applicant(s) M/s. Bhargavwan and P. Udaya,	Legal practitioners for respondent(s)
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R.A. No. 14 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. Trust Aqua Products, Tiruvaallur, District	Respondent(s) in R.A. The Chief Engineer, PWD, State Ground and Surface Water Resources Data Centre, Chennai and others
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Legal Practitioners for Applicant(s) M/s. Palani Selvaraj and K. Pushpalatha,	Legal practitioners for respondent(s)
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R.A. No. 15 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. Dew Drops, Dindigul District	Respondent(s) in R.A. The Chief Engineer, PWD, State Ground and Surface Water Resources Data Centre, Chennai and others
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Legal Practitioners for Applicant(s) M/s. S. Muhukrishnan, S. RaJesh Kannan and M. Nambiraj, Advocates	Legal practitioners for respondent(s) Smt. H. Yasmeeen Ali, Advocate for R-1
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R.A. No. 16 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. Athanur Enterprises, Thirupalathurai, Thanjavur Dist.	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai and others
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Legal Practitioners for Applicant(s) M/s. S. Bhargavan and P. Udaya,		Legal practitioners for respondent(s) Smt. H. Yasmeen Ali, for R-1 and R-2 Shri P. Gnanasekaran, for R-3 and R-5 M/s. M.K. Subramanian and M.R. Gokul Krishnan for R-4
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R.A. No. 17 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. Sree Harimangalas Pristineo Aqua Theni District.	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai and others
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Legal Practitioners for Applicant(s) M/s. S. Muthukrishnan, S. Rajeskannan and M. Nambiraj, Advocates		Legal practitioners for respondent(s) Smt. H. Yasmeen Ali, Advocate for R-1 and R-2 Shri P. Gnanasekaran, Advocate for R-3 and R-5 M/s. M.K. Subramanian and M.R. Gokul Krishnan, Advocates for R-4
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R.A. No. 18 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s) M/s. Then Aqua and Beverages Thiruvudaimaruthur and 2 others	Vs.	Respondent(s) The Chief Engineer, PWD/WRO Tharamani, Chennai and 2 others
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Legal Practitioners for Applicant(s) M/s. S. Bhargavan and P. Udaya,		Legal practitioners for respondent(s) Smt. Vidhyalakshmi Vipin, for R-1
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R.A. No. 19 of 2014 (SZ)
In
Application No. 40 of 2013 (SZ) (Suo Motu)

Applicant(s)	Vs.	Respondent(s)
1) M/s. Jay Aquaa Minerals, Rep. by its Proprietor Mr. A.V. Baskar S/o. A. Vadivel, 88/4, Kombaikadu, Kandasramam (Via), Udayapatty, Salem – 636 104.		The Chief Engineer, PWD, Water Research Organization, Tharamani Chennai and 2 others
2) M/s. Sleety Aqcu Rep. by its proprietrix Mrs. K. Jamuna Rani W/o. K. Kasiviswanathan Varagoor Kombai Unanthangal Village and Post Namagiripettai Block, Rasipuram Taluk Namakkal District -636 142.		
3) M/s. P.V.S. Aquaa Minerals 4/645, Kattuvalavur, Valasaiyur (Post) Sukkamapatti (Via), Salem – 636 122..		
4) M/s. Arthi Aqua Care Rep. by its partner C.R. Chidambaranathan S/o. C. Ramar, 263, J. Kattalaipatti Road Aanaiyur (Post), Sivakasi – 626 123, Virudhunagar District.		
5) M/s. Om Sai Aqua Industry Rep. by its Kartha V.M. Shanmugham S/o. Late V. Muthusamy, 5/243, Nilavarapatty Dhasanaikanpatty Post – 636 201 Salem District.		

Legal Practitioners for Applicant(s)
M/s. P. Tamizhkumar, S. Bhasrgavan and
P. Udaya,

Legal practitioners for respondent(s)
M/s. Abdul Saleem, S. Saravanan and
Vidhyalakshmi Vipin, for R-1
Smt. Rita Chandrasekar, for R-2
Shri P. Gnanasekaran, for R-3

Application No. 158 of 2013 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Anbu Mineral Water		The Chairman, Tamil Nadu Pollution Control Board and others

Legal Practitioners for Applicant(s)
M/s. D. Rajendran, A.N Ramanathan
and P.Udya,

Legal Practitioners for Respondents
Smt. H. Yasmeen Ali, for
for R-1 and R-2

Application No. 159 of 2013 (SZ)

Applicant(s)
M/s. Guru Water

Vs.

Respondent(s)

The Chairman, Tamil Nadu
Pollution Control Board and others
Legal Practitioners for Respondents
Smt. H. Yasmeen Ali, for
for R-1 and R-2

Legal Practitioners for Applicant(s)
M/s. D. Rajendran, A.N Ramanathan
and P.Udya,

Application No. 160 of 2013 (SZ)

Applicant(s)
M/s. Pure One Products

Vs.

Respondent(s)

The Chairman, Tamil Nadu
Pollution Control Board and others
Legal Practitioners for Respondents
Smt. H. Yasmeen Ali for
for R-1 and R-2

Legal Practitioners for Applicant(s)
M/s. D. Rajendran, A.N Ramanathan
and P.Udya,

Application No. 170 of 2013(SZ)

Applicant(s)
M/s. Karunya Enterprises,
Madhavaram Post, Chennai – 600 060.

Vs.

Respondent(s)

The Chairman, Tamil Nadu
Pollution Control Board, and others

Legal Practitioner for Applicant
M/s.M. Kamalanathan,
Mrs. Lita Srinivasan
and D. Kingslin,

Legal Practitioners for respondents
Smt. H. Yasmeen Ali,
for R-1 and R-2
Shri P Gnanasekaran, for R-3

Application No. 318 of 2013 (SZ)

Applicant(s)
Aqua Roche Packaged Drinking
Water Co., Ponneri

Vs.

Respondent(s)

The Commissioner of Chennai
Corporation, Chennai and 3v others

Legal Practitioners for Applicant(s)
Party-in-person

Legal Practitioners for Respondents
Sri S. Saravanan for R-1
Smt. H. Yasmeen Ali
For R-2 and R-3
M/s.MK Subramaian and M.R. Gokul
Krishnan for R-4

Application No. 7 of 2014 (SZ)

Applicant(s) M/s.T.J.S. Enterprises, Amman Thangal Village, Vellore District	Vs.	Respondent(s) The Chief Engineer, PWD, State Ground and Surface Water Resources Chennai and others
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Legal Practitioners for Applicant(s) M/s. M/s. TaavRS Associates, S. Kamalesh Kannan and S. Sai Sathya Jith		Legal practitioners for respondent(s) M/s. M.K. Subramanian and M.R. Gokul Krishnan R-4 Smt. H. Yasmeen Ali for R-2 Shri P. Gnanasekaran for R-3 M/s. Abdul Saleem and Vidyalakshmi for R- 1
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Application No. 14 of 2014 (SZ)

Applicant(s) M/s. Varuna's Heavenly water Karunya Post, Coimbatore	Vs.	Respondent(s) The PWD/State WRD Ground Water Division, Taramani, Chennai and others
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Legal Practitioners for Applicant(s) M/s. V. Vignesh, P.T. Rishikesh, Narayanaswami and D. Praveen	M.	Legal practitioners for respondent(s) M/s. Abdul Saleem, S. Saravanan and Vidyalakshmi, for R-1 Smt. H. Yasmeen Ali, for R-2 M/s. M.K. Subramanian and M.R. Gokul Krishnan, for R-3 Shri P. Gnanasekaran, for R-4
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Application No. 15 of 2014 (SZ)

Applicant(s) M/s. Rain Drops RO Water Pvt Ltd Coimbatore	Vs.	Respondent(s) The PWD/State WRD Ground Water Division, Taramani, Chennai and others
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Legal Practitioners for Applicant(s) M/s. M/s. TaavRS Associates, S. Kamalesh Kannan and S. Sai Sathya Jith		Legal practitioners for respondent(s) M/s. Abdul Saleem, S. Saravanan and Vidyalakshmi for R-1 Smt. H. Yasmeen Ali for R-2 M/s. M.K. Subramanian and M.R. Gokul Krishnan for R-3 Shri P. Gnanasekaran for R-4
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Application No. 16 of 2014 (SZ)

Applicant(s) Respondent(s)
 M/s. Bhatra Packaged Drinking Water Vs. The PWD/State WRD Ground Water
 Coimbatore-29 Division, Taramani, Chennai
 and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 M/s. M/s. TaavRS Associates, S. Kamalesh M/s. Abdul Saleem, S. Saravanan and
 Kannan and S. Sai Sathya Jith Vidyalakshmi for R-1
 Smt. H. Yasmeen Ali for R-2
 M/s. M.K. Subramanian and M.R. Gokul
 Krishnan for R-3
 Shri P. Gnanasekaran for R-4

Application No. 17 of 2014 (SZ)

Applicant(s) Respondent(s)
 M/s. Om Namu Narayana Industries Vs. The PWD/State WRD Ground Water
 Coimbatore Division, Taramani, Chennai - 6
 and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 M/s. M/s. TaavRS Associates, S. Kamalesh M/s. Abdul Saleem, S. Saravanan and
 Kannan and S. Sai Sathya Jith Vidyalakshmi for R-1
 Smt. H. Yasmeen Ali for R-2
 M/s. M.K. Subramanian and M.R. Gokul
 Krishnan for R-3
 Shri P. Gnanasekaran for R-4

Application No. 18 of 2014 (SZ)

Applicant(s) Respondent(s)
 M/s. Sri Vari Aqua Minerals, Vs. The PWD/State WRD Ground Water
 Coimbatore Division, Taramani, Chennai
 and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 M/s. M/s. TAAURS Associates, M/s. Abdul Saleem, S. Saravanan an Vidyalakshmi, for
 S. Kamalesh Kannan and S. R-1
 Sai Sathya Jith Smt. H. Yasmeen Ali for R-2
 M/s. M.K. Subramanian and M.R. Gokul Krishnan for
 R-3
 Shri P. Gnanasekaran for R-4

Application No. 19 of 2014 (SZ)

Applicant(s) M/s. Sri Sadguru Sai Minerals Coimbatore	Vs.	Respondent(s) The PWD/State WRD Ground Water Division, Taramani, Chennai and others
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Legal Practitioners for Applicant(s) M/s. M/s. TaauRS Associates, S. Kamallesh Kannan and S. Sai Sathya Jith		Legal practitioners for respondent(s) M/s. Abdul Saleem, S. Saravanan and Vidyalakshmi for R-1 Smt. H. Yasmeen Ali, for R-2 M/s. M.K. Subramanian and M.R. Gokul Krishnan, for R-3 Shri P. Gnanasekaran for R-4
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Application No. 20 of 2014 (SZ)

Applicant(s) M/s. Ramya Minerals Coimbatore	Vs.	Respondent(s) The PWD/State WRD Ground Water Division, Taramani, Chennai and others
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Legal Practitioners for Applicant(s) M/s. M/s. TaauRS Associates, S. Kamallesh Kannan and S. Sai Sathya Jith		Legal practitioners for respondent(s) M/s. Abdul Saleem, S. Saravanan and Vidyalakshmi, for R-1 Smt. H. Yasmeen Ali, for R-2 M/s. M.K. Subramanian and M.R. Gokul Krishnan for R-3 Shri P. Gnanasekaran, for R-4
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Application No. 28 of 2014 (SZ)

Applicant(s) Sri Amman Mineral Waters Pvt Ltd Mathuvarapuram, Coimbatore	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai and others
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Legal Practitioners for Applicant(s) M/s. Dr. S. Padma and V. Duraipandi,		Legal practitioners for respondent(s) Smt. H. Yasmeen Ali, for R-1 and R-2 Shri P. Gnanasekaran, for R-3 and R-5 M/s. M.K. Subramanian and M.R. Gokul Krishnan, for R-4
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Application No. 30 of 2014 (SZ)

Applicant(s) Respondent(s)
 G. Priya, Sri Balaji Aqua Products Vs. The Chief Engineer, PWD, State Ground
 Thiruvannamalai District. And Surface Water Resources data Centre,
 Chennai and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 M/s. P. Madhavan, V. Baasubramaniam and M/s. Abdul Saleem, S. Saravanan and
 K. Sridhar Vidhayalakshmi, for R-1
 Smt. H. Yasmeen Ali, for R-2

Application No. 44 of 2014 (SZ)

Applicant(s) Respondent(s)
 M/s. Selvam Aqua Farm The Chief Engineer, WRO, PWD..
 Pudukottai Chennai and 2 others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 Mr. S. Ramachandran Mrs. Rita Chandrasekar for R-1
 M/s. Abdul Saleem and
 Mrs. Vidyalakshmi for R-2 and R-4
 Mr.P. Gnanasekaran for R-3

Application No. 46 of 2014 (SZ)

Applicant(s) Respondent(s) in M.A.
 M/s. Akshya Minerals, Vs. The Chairman, Tamil Nadu
 Coimbatore Pollution Control Board, Chennai
 and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 M/s. Dr. S. Padma and Durai Pandi Smt. H. Yasmeen Ali, for R-1

Application No. 47 of 2014 (SZ)

Applicant(s) Respondent(s) in M.A.
 M/s. Maris Aqua Products India Pvt Ltd Vs. The Chairman, Tamil Nadu
 Coimbatore Pollution Control Board, Chennai
 and others

Legal Practitioners for Applicant(s)
M/s. Dr. S. Padma and Durai Pandi

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, for R-1

Application No. 48 of 2014 (SZ)

Applicant(s)
M/s. Niagara Aqua Farms
Coimbatore

Vs.

Respondent(s) in M.A.
The Chairman, Tamil Nadu
Pollution Control Board, Chennai
and others

Legal Practitioners for Applicant(s)
M/s. Dr. S. Padma and Durai Pandi

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, for R-1

Application No. 49 of 2014 (SZ)

Applicant(s) in M.A.
M/s. Gayathri Minerals,
Coimbatore

Vs.

Respondent(s) in M.A.
The Chairman, Tamil Nadu
Pollution Control Board, Chennai
and others

Legal Practitioners for Applicant(s)
M/s. Dr. S. Padma and Durai Pandi

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, for R-1

Application No. 50 of 2014 (SZ)

Applicant(s)
M/s. K.K. Aqua Farm
Avinashi

Vs.

Respondent(s) .
The C.E., PWD, SWRO,
Tharamani, Chennai

Legal Practitioners for Applicant(s)
M/s. S. Kolandaisamy, C.S.Saravanan

Legal practitioners for respondent(s)

Application No. 52 of 2014 (SZ)

Applicant(s)
M/s. Meenakshi Aqua Products,
Coimbatore

Vs.

Respondent(s)
The Chairman, Tamil Nadu Pollution
Control Board, Chennai and others

Legal Practitioners for Applicant(s)
D. S. Padma

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, for R-1 and R-2
Shri P. Gnanasekaran for R-3
M/s. M.K. Subramanian and M.R. Gokul
Krishnan for R-4

Application No. 53 of 2014 (SZ)

Applicant(s) Respondent(s)
 M/s. Triton Aquatic Industry, Sirumugai Vs. The Chairman, Tamil Nadu Pollution
 Coimbatore Control Board, Chennai and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 D. S. Padma, Advocate Smt. H. Yasmeen Ali, Advocate for R-1 and
 R-2
 Shri P. Gnanasekaran, Advocate for R-3
 M/s. M.K. Subramanian and M.R. Gokul
 Krishnan, Advocates for R-4

Application No. 54 of 2014 (SZ)

Applicant(s) Respondent(s)
 M/s. Sri Vishnu Aqua Farm Vs. The Chairman, Tamil Nadu Pollution
 Coimbatore Control Board, Chennai and others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 D. S. Padma Smt. H. Yasmeen Ali for R-1 and R-2
 Shri P. Gnanasekaran for R-3
 M/s. M.K. Subramanian and M.R. Gokul
 Krishnan for R-4

Application No. 56 of 2014 (SZ)

Applicant(s) Respondent(s) in M.A.
 P. Saravanakumar, Proprietor, M/s. Sree Vs. The Chairman, Tamil Nadu
 Narayana Beverage, Theni Pollution Control Board and
 4 others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
 M/s. S. Muthukrishnan, S. Rajeskannan Smt. H. Yasmeen Ali, Advocate for R-1 and
 and M. Nambiraj, Advocates R-2
 Shri P. Gnanasekaran, Advocate for R-3
 M/s. Abdul Saleem, S. Saravanan and
 Vidhyalakshmi, Advocates for R-5

Application No. 57 of 2014 (SZ)

Applicant(s)
Mrs. S. Sujatha, M/s. Abhistar Aqua Farms, Theni

Vs.

Respondent(s) in M.A.
The Chairman, Tamil Nadu Pollution Control Board and 4 others

Legal Practitioners for Applicant(s)
M/s. S. Muthukrishnan, S. Rajeskannan and M. Nambiraj, Advocates

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, Advocate for R-1 and R-2
Shri P. Gnanasekaran, Advocate for R-3
M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi, Advocates for R-5

Application No. 58 of 2014 (SZ)

Appellant(s)
J. Mallika, M/s. JPR Aqua Farm Palanichettipatty, Theni Dist.

Vs.

Respondent(s)
The Tamil Pollution Control Board and others

Legal Practitioners for Appellant(s)
M/s. S. Muthukrishnan, S. Rajeskannan And M. Nambiraj, Advocates

Legal Practitioners for Respondents

Application No. 62 of 2014 (SZ)

Applicant(s)
M/s. K.C. Food Products, represented By its Proprietrix, Villupuram

Vs.

Respondent(s) in M.A.
The District Environmental Engineer Villupuram and 3 others

Legal Practitioners for Applicant(s)
M/s. E. Ramachandran and J.S. Jayaprabin,

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, for R-1
Shri P. Gnanasekaran, for R-2
M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi, for R-3
M/s. M.K. Subramanian and Shri M.R. Gokul Krishnan, for R-4

Application No. 64 of 2014 (SZ)

Applicant(s)
M/s. A.V. Mohan, Director, M/s. Amirtha Agro Enterprises Pvt Ltd., Periyakulam,

Vs.

Respondent(s) in M.A.
The Chairman, Tamil Nadu Pollution Control Board, Chennai

Thenai District.

and others

Legal Practitioners for Applicant(s)
M/s.S. Muthukrishnan, S. Rajeskannan
M. Nambiraj, Advocates

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, Advocate for R-1 and
R-2
Shri P. Gnanasekaran, Advocate for R-3
M/s. Abdul Saleem, S. Saravanan and
Vidhyalakshmi, Advocates for R-5

Application No. 65 of 2014 (SZ)

Applicant(s)
M/s. A. Nallaiyan, M/s. Hari's Aqua
Product, Chinnamanur, Theni Dist.

Respondent(s)
The Chairman, Tamil Nadu
Pollution Control Board and others

Legal Practitioners for Applicant(s)
M/s.S. Muthukrishnan, S. Rajeskannan
M. Nambiraj, Advocates

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, Advocate for R-1 and
R-2
Shri P. Gnanasekaran, Advocate for R-3
M/s. Abdul Saleem, S. Saravanan and
Vidhyalakshmi, Advocates for R-5

Application No. 66 of 2014 (SZ)

Applicant(s)
K. Suresh Kumar, Proprietor, M/s. Krishna
Aqua Care, Veerapandy, Theni District

Respondent(s)
The Chairman, Tamil Nadu
Pollution Control Board and others

Legal Practitioners for Applicant(s)
M/s. S. Muthukrishnan, S. Rajeskannan
M. Nambiraj, Advocates

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, Advocate for R-1 and
R-2
Shri P. Gnanasekaran, Advocate for R-3
M/s. Abdul Saleem, S. Saravanan and
Vidhyalakshmi, Advocates for R-5

Application No. 67 of 2014 (SZ)

Applicant(s)
B.K. Rajkumar, M/s. Vaigai Aqua System
Veerapandy, Theni Dist.

Respondent(s)
The Chairman, Tamil Nadu
Pollution Control Board and others

Legal Practitioners for Applicant(s)
M/s. S. Muthukrishnan, S. Rajeskannan
M. Nambiraj, Advocates

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, Advocate for R-1 and
R-2

Shri P. Gnanasekaran, Advocate for R-3
M/s. Abdul Saleem, S. Saravanan and
Vidhyalakshmi, Advocates for R-5

Application No. 68 of 2014 (SZ)

Applicant(s) M/s. Sibas Foods Palladam, Tirupur M/s. T. Jayaraman, S.S. Swaminathan	Respondent(s) The PWD, Chennai -9 and 4 others Legal practitioners for respondent(s) Smt. H. Yasmeen Ali, for R-1 and R-3 Shri P. Gnanasekaran, Advocate for R-4 M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi, Advocates for R-1 M.R. Gokul Krishnan for R-5
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Application No. 70 of 2014 (SZ)

Applicant(s) M/s. Surabi Aqua, Theni	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai, and 4 others
Legal Practitioners for Applicant(s) M/s.S. Muthukrishnan, S. Rajeshkannan and M. Nambiraj, Advocates	Vs.	Legal practitioners for respondent(s) Smt. H. Yasmeen Ali, Advocate for R-1 and R-2 Shri P. Gnanasekaran, Advocate for R-3 M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi Vipin, Advocate for R-5

Application No. 71 of 2014 (SZ)

Applicant(s) M/s. K. Reghupathy Ammal Water Systems, Madurai	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai, and 4 others
Legal Practitioners for Applicant(s) Mr. A. Kumana Raja	Vs.	Legal practitioners for respondent(s)

Application No. 72 of 2014 (SZ)

Applicant(s)	Vs	Respondent(s)
P.R. Thanigaivelu Vysarpadi, Chennai.39		The Chairman, Tamil Nadu Pollution Control Board, Chennai, and 4 others

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
M/s. Kamalanathan , Lalitha Srinivsan and D. Kingslin	M/s. Yasmeen Ali, R1 and R2 P. Ganasekaran R-3 M/s. Abdul Saleem and Vidyalaksh for R-4

Application No. 74 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Nova Minerals, Madurai		The Chairman, Tamil Nadu Pollution Control Board, Chennai, and 5 others

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
M/s.S. Muthukrishnan, S. Rajeshkannan and M. Nambiraj, Advocates	Mrs. Yasmeen Ali R-1 and R-2 Shri P. Gnanasekaran, Advocate for R-3 M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi Vipin, Advocate for R-5

Application No. 75 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Dreams Associates, Theni		The Chairman, Tamil Nadu Pollution Control Board, Chennai, and 4 others

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
M/s.S. Muthukrishnan, S. Rajeshkannan and M. Nambiraj, Advocates	Smt. H. Yasmeen Ali, Advocate for R-1 and R-2 Shri P. Gnanasekaran, Advocate for R-3 M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi Vipin, Advocate for R-5

Application No. 82 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Babuji & JC. Beverages Virudhunagar Dist.		The District Environmental Engineer, Tamil Nadu Pollution Control Board, Virudhunagar, and 3 others

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
M/s. E. Ramachandran and J.F. Jayaprabin	Shri P. Gnanasekaran, Advocate for R-3 M/s. Abdul Saleem, S. Saravanan and

Application No. 88 of 2014 (SZ)

Applicant(s)	Vs	Respondent(s)
M/s. PSD Aqua rep. by its Proprietor G. Parasuraman, Pallalakuppam Village, Vellore District and another		The District Environmental Engineer Tamil Nadu Pollution Control Board, Vellore and two others

Legal Practitioner(s) for applicant(s)	Legal Practitioner(s) for respondent(s)
M/s. Ravi Anantha Padmanaban and S. Duerack Raj Thilak, Advocates	Smt. H. Yasmeen Ali, Advocate for R-1

Application No. 94 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Selvam Aqua Tech Pudukottai, Tuticorin Dist..		The Chief Engineer, WRO, PWD State Ground and Surface Water Resources Data Centre, Chennai and 2 others.

Legal Practitioners for Applicant(s)	Legal Practitioners for Respondents
M/s. Sukumaran and V. Rameshvel	Smt.H. Yasmeen Ali, for R-1, R-2 and R-3

Application No. 95 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
S.R.Aqua Farm, , Pudukkottai, Tuticorin District		The Chief Engineer, PWD, State Ground and Surface Water Resources Data Centre, Chennai and 2 others

Legal Practitioners for
Applicant(s)
Shri K. Ravi Anantha
Padmanabhan

Legal practitioners for respondent(s)
M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi
Vipin, for R-1
Smt. H. Yasmeen Ali, for R-2
Shri P. Gnanasekaran, for R-3

Application No. 104 of 2014 (SZ)

Applicant(s)
Mr. K. Raja, Theni Dist.

Vs.

Respondent(s)
The Chairman, Tamil Nadu
Pollution Control Board, Chennai,
and 4 others

Legal Practitioners for Applicant(s)
M/s S. Muthukrishnan, S. Rajeshkannan

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, Advocate for R-1 and
R-2
Shri P. Gnanasekaran, Advocate for R-3
M/s. Abdul Saleem, S. Saravanan and
Vidhyalakshmi Vipin, Advocate for R-5

Application No. 124 of 2014 (SZ)

Applicant(s)
M/s. Tharanga Aqua Products rep. by its
Proprietrix Mrs. M. Babeetha, W/o. B.
Murugesan, Ponniammanmedu Village,
Chennai – 600 110. Madhavaram Taluk,
Tiruvallur District.

Respondent(s)
1) The Chairman, Tamil Nadu Pollution
Control Board, Chennai
2) the District Environmental Engineer,
TNPCB, Ambattur Industrial Estate,
Chennai
3) The Chief Engineer, PWD, State Ground and
Surface Water Resources Data Centre , Chennai – 113
4) The Superintending Engineer, TANGEDCO,
Tiruvallur District
5) The Assistant Engineer, TNEB, Ponniammanmedu
Village, Madhavaram-II, Tiruvallur District
6) The Managing Director, Chennai Metropolitan
Water Supply and Sewerage Board, Chennai

Legal Practitioners for Applicant(s)
Shri. K. Ravi Ananthapadmanaban,
Advocate

Legal practitioners for respondent(s)
Smt. H. Yasmeen Ali, Advocate for R-1 and
R-2
M/s. Abdul Saleem, S. Saravanan and
Vidhyalakshmi Vipin, Advocates for R-3
Shri P. Gnanasekaran, Advocate for R-4 and
R-5

Application No. 125 of 2014 (SZ)

Applicant(s)	Respondent(s)
M/s. Tharag Aqua Products rep. by its Proprietrix Mrs. M. Babeetha, W/o. B. Murugesan, Ponniammanmedu Village, Chennai – 600 110. Madhavaram Taluk, Tiruvallur District.	1) The Chairman, Tamil Nadu Pollution Control Board, Chennai 2) the District Collector, Thiruvallur District Collectorate, Thiruvallur 3) The Revenue Divisional Officer, Ambattur Taluk, Tiruvallur District Collectorate Tiruvallur 4) The Tahsildar, Madhavaram Taluk, Tiruvallur 5) The Chief Engineer, PWD, State Ground and Surface Water Resources Data Centre, Chennai – 113 6) The Managing Director, Chennai Metro Water And Sewerage Board, Chennai

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
Shri. K. Ravi Ananthapadmanaban, Advocate	Smt. H. Yasmeen Ali, Advocate for R-1 M/s. M.K. Subramanian and M.R. Gokul Krishnan, Advocates for R-2, R-3 and R-4 M/s. Abdul Saleem, S. Saravanan and Vidhyalakshmi Vipin, Advocates for R-5

Application No. 127 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Kothari Biotech Limited Rep. by its authorised signatory Mr. R. Prakash, 291/1, Ulundai Village Tiruvallur Taluk – 602 025		1) The Chairman, Tamil Nadu Pollution Control Board, Chennai 2) the District Environmental Engineer, Tamil Nadu Pollution Control Board Thiruvallur – 602 001 3) The Chief Engineer, WRO, State Ground and Surface Water Resources Data Centre Tharamani, Chennai - 113 4) The Superintending Engineer TANGEDCO Chengleput 5) The Assistant Engineer, TNEB, Ulundai Village Tiruvallur District – 602 001.

Legal Practitioners for Applicant(s)	Legal Practitioners for Respondent(s)
Shri K. Ravi Ananthapadmanaban,	Smt. H. Yasmeen Ali, for R-1 and R-2 Smt. Vidhyalakshmi for R-3

Shri P Gnanasekaran for R-4 and R-5

Application No. 143 of 2014 (SZ)

Applicant(s)	Respondent(s)
<p>Shri P Nachimuthu, Partner, M/s. Sinthuja Aqua Products, S F No. 488, Pavithram Village, Aravakuruchi Taluk, Karur District</p>	<p>The Chairman, Tamil Nadu Pollution Control Board, Chennai 2) The Central Ground Water Board, Govt of India, Besant Nagar, Chennai 3) The Chief Engineer, PWD, WRO, State Ground and Surface Water Resources Data Centre Taramani, Chennai- 113 4) The Tamil Nadu Electricity Board, rep by its Chairman, NPKRR Maaligai, 800, Anna Salai Chennai – 600 002</p>

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
<p>M/s. S. Muthukrishnan, and S.Rajeswkannan,</p>	<p>Smt. Rita Chandrasekar, for R-1 Smt. Meenakshi, for R-2 Smt. Vidhyalakshmi Vipin, for R-3 Shri P Gnanasekaran, for R-4</p>

Application No. 144 of 2014 (SZ)

Applicant(s)	Respondent(s)
<p>Dr. Thangavelu, Proprietor, M/s. Dr. Thangavelus Aqua Industries, 212/283, Dharapuram Road, Oddanchatram, Dindigul District - 624 619.</p>	<p>The Chairman, Tamil Nadu Pollution Control Board, Chennai 2) The Central Ground Water Board, Govt of India, Besant Nagar, Chennai 3) The Chief Engineer, PWD, WRO, State Ground and Surface Water Resources Data Centre Taramani, Chennai- 113 4) The Tamil Nadu Electricity Board, rep by its Chairman, NPKRR Maaligai, 800, Anna Salai Chennai – 600 002.</p>

Legal Practitioners for Applicant(s)	Legal practitioners for respondent(s)
<p>M/s. S. Muthukrishnan, and S.Rajeswkannan,</p>	<p>Smt. H. Yasmeen Ali, for R-1 Smt. Meenakshi, for R-2 Smt. Vidhyalakshmi Vipin, for R-3 Shri P Gnanasekaran, for R-4</p>

Application No. 145 of 2014 (SZ)

Applicant(s) D. Arulmurugan, Proprietor, M/s. Sakthi Packaged Water, S F No. 559/8, Nagaiyakottai Village, Vedasandur Taluk, Dindigul District	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board, Chennai 2) The Central Ground Water Board, Govt of India, Besant Nagar, Chennai 3) The Chief Engineer, PWD, WRO, State Ground and Surface Water Resources Data Centre Taramani, Chennai- 113 4) The Tamil Nadu Electricity Board, rep by its Chairman, NPKRR Maaligai, 800, Anna Salai Chennai – 600 002.
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Legal Practitioners for Applicant(s) M/s. S. Muthukrishnan, and S.Rajeswkannan,	Legal practitioners for respondent(s) Smt. H. Yasmeen Ali, for R-1 Smt. Meenakshi, for R-2 Smt. Vidhyalakshmi Vipin, for R-3 Shri P Gnanasekaran, for R-4
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Application No. 146 of 2014 (SZ)

Applicant(s) Mr. O.S. Senthilkumar M/s. Sonal Aqua Farm Usilampatti Taluk	Vs.	Respondent(s) 1) The Chairman, Tamil Nadu Pollution Control Board, Chennai and 2 others
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Legal Practitioners for Applicant(s) Shri S. Muthukrishnan, S. Rajeswaran	Legal Practitioners for Respondent(s)
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Application No. 180 of 2014 (SZ)

Applicant(s) Blue Square Industries, Udayar Thottam, Vellakalpatti, Omalur Taluk, Salem District and 4 others.	Vs.	Respondent(s) The Chairman, TNPCB, Chennai and 4 others.
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Legal Practitioners for Applicant(s) M/s. Ravi Anantha Padmanaban	Legal Practitioners for Respondents Mrs. Rita Chandrasekar for R-1 and R-2 M/s. Abdul Saleem, S.Saravanan and Vidyalakshmi for R-3 Mr.P.Gnanasekaran for R-4
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Application No. 181 of 2014 (SZ)

Applicant(s) Florence Enterprises, Chinmaya Nagar, Chennai-92.	Vs.	Respondent(s) The Chairman, TNPCB, Chennai and 4 others.
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Legal Practitioners for Applicant(s) M/s. Ravi Anantha Padmanaban		Legal Practitioners for Respondents Mrs. Rita Chandrasekar for R-1 and R-2 M/s. Abdul Saleem and S.Saravanan and Vidyalakshmi for R-3. Mr.P.Gnanasekaran for R-4
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Application No. 182 of 2014 (SZ)

Applicant(s) Pandian Aqua Products, Konur Post, Namakkal District and 2 others.	Vs.	Respondent(s) The Chairman, TNPCB, Chennai and 4 others.
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Legal Practitioners for Applicant(s) M/s. Ravi Anantha Padmanaban		Legal Practitioners for Respondents Mrs. Rita Chandrasekar for R-1 and R-2 M/s. Abdul Saleem, S.Saravanan Vidyalakshmi for R-3 Mr.P.Gnanasekaran for R-4
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Application No. 183 of 2014 (SZ)

Applicant(s) Freeze Packaged Drinking Water, Thirupanthiyur Village, Kadambathur Block, Thiruvallur District.	Vs.	Respondent(s) The Chairman, TNPCB, Chennai and 4 others
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Legal Practitioners for Applicant(s) M/s. Ravi Anantha Padmanaban		Legal Practitioners for Respondents Mrs. Rita Chandrasekar for R-1 and R-2 M/s. Abdul Saleem, S.Saravanan Vidyalakshmi for R-3 Mr.P.Gnanasekaran for R-4
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Application No. 184 of 2014 (SZ)

Applicant(s) Respondent(s)
 Guru Minerals, Kannur Village, Vs. The Chairman, TNPCB, Chennai
 Thiruvallur District. and 4 others.

Legal Practitioners for Applicant(s) Legal Practitioners for Respondents
 M/s. Ravi Anantha Padmanaban Mrs. Rita Chandrasekar for R-1 and R-2
 M/s. Abdul Saleem, S.Saravanan and
 Vidyalakshmi for R-3
 Mr.P.Gnanasekaran for R-4

Application No. 185 of 2014 (SZ)

Applicant(s) Respondent(s)
 Zulfi Aqua Farms, Bodipalayam, Vs. The Chairman, TNPCB, Chennai
 Madukkarai (Via), Coimbatore. and 3 others.

Legal Practitioners for Applicant(s) Legal Practitioners for Respondents
 M/s. Ravi Anantha Padmanaban Mrs. Rita Chandrasekar for R-1 and R-2
 M/s. Abdul Saleem, S.Saravanan and
 Vidyalakshmi for R-3
 Mr.P.Gnanasekaran for R-4

Application No. 186 of 2014 (SZ)

Applicant(s) Respondent(s)
 Aaditya Enterprises, Pappanaicken Vs. The Chairman, TNPCB, Chennai
 Palayam, Coimbatore and 2 others. and 3 others.

Legal Practitioners for Applicant(s) Legal Practitioners for Respondents
 M/s. Ravi Anantha Padmanaban Mrs. Rita Chandrasekar for R-1 and R-2
 M/s. Abdul Saleem, S.Saravanan and
 Vidyalakshmi for R-3
 Mr.P.Gnanasekaran for R-4

Application No. 187 of 2014 (SZ)

Applicant(s) Respondent(s)
 Sri Sai Durga Aqua Unit, Vs. The Chairman, TNPCB, Chennai
 Perandapalli Post, Hosur Taluk, and 3 others. Krishnagiri District.

Legal Practitioners for Applicant(s)
M/s. Ravi Anantha Padmanaban

Legal Practitioners for Respondents
Mrs. Rita Chandrasekar for R-1 and R-2
M/s. Abdul Saleem, S.Saravanan and
Vidyalakshmi for R-3
Mr.P.Gnanasekaran for R-4

Application No. 188 of 2014 (SZ)

Applicant(s)
Thirumalai Aqua Minerals,
Gandhi Nagar, Wallajah Taluk,
Vellore District and 3 others.

Respondent(s)
Vs. The Chairman, TNPCB, Chennai
and 3 others.

Legal Practitioners for Applicant(s)
M/s. Ravi Anantha Padmanaban

Legal Practitioners for Respondents
Mrs. Rita Chandrasekar for R-1 and R-2
M/s. Abdul Saleem, S.Saravanan and
Vidyalakshmi for R-3
Mr.P.Gnanasekaran for R-4

Application No. 189 of 2014 (SZ)

Applicant(s)
M/s. Suganthi & Company,
Metha Nagar, Chennai-29.

Respondent(s)
Vs. The Chairman, TNPCB, Chennai
and 3 others.

Legal Practitioners for Applicant(s)
M/s. Ravi Anantha Padmanaban

Legal Practitioners for Respondents
Mrs. Rita Chandrasekar for R-1 and R-2
M/s. Abdul Saleem, S.Saravanan and
Vidyalakshmi for R-3
Mr.P.Gnanasekaran for R-4

Application No. 190 of 2014 (SZ)

Applicant(s)
Vikaashni Industries, Sriram Nagar,
Somasipadi Pudur, Thiruvannamalai
District and 5 others.

Respondent(s)
Vs. The Chairman, TNPCB, Chennai
and 3 others.

Legal Practitioners for Applicant(s)
M/s. Ravi Anantha Padmanaban

Legal Practitioners for Respondents
Mrs. Rita Chandrasekar for R-1 and R-2
M/s. Abdul Saleem, S.Saravanan and
Vidyalakshmi for R-3
Mr.P.Gnanasekaran for R-4

Application No. 193 of 2014 (SZ)

Applicant(s) Mrs. N.Sudha Shree Senthur Engineers and Consultants Pvt. Ltd. Dindigul Dist .	Respondent(s) Vs. The Chairman, TNPCB, Chennai and 4 others.
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Legal Practitioners for Applicant(s) M/s. Muthukrishnan and Vimala	Legal Practitioners for Respondents Mrs. Rita Chandrasekar for R-1 and R-2 M/s. Abdul Saleem, S.Saravanan and Vidyalakshmi for R-3 Mr.P.Gnanasekaran for R-4
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Application No. 194 of 2014 (SZ)

Applicant(s) Mr. P. Sakthivel M/s. Sakthi Aqua, Ambathura Village, Dindigul District	Respondent(s) Vs. The Chairman, TNPCB, Chennai and 4 others
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Legal Practitioners for Applicant(s) M/s. S. Muthukrishnan, S.Rajeskannan and V.Vimala.	Legal practitioners for respondent(s) Mrs. Rita Chandrasekar for R-1 and R-2 Mr. P.Gnanasekaran for R-3 Mrs. Meenakshi, for R-4 M/s. Abdul Saleem, S.Saravanan and Vidyalakshmi for R-5.
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Application No. 195 of 2014 (SZ)

Applicant(s) M/s. R.K.P. Corporatioin Ulundai Village, Thiruvellore Dist.	Respondent(s) vs. The Chairm, TNPCB, Chennai and 3 others
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Legal Practitioners for Applicant(s) Mr. Ravi Ananda Padmanaban .	Legal practitioners for respondent(s) Mrs. Rita Chandrasekar for R-1 and R-2 Mr. P.Gnanasekaran for R-3
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M/s. Abdul Saleem, S.Saravanan and
Vidyalakshmi for R-5.

Application No. 200 of 2014 (SZ)

Applicant(s)

Respondent(s)

M/s. Arul Aqua Fresh
Virudhunagar

Vs. The Chief Engineer, PWD, Water Research
Organisation, State Ground and Surface
and 2 others

Legal Practitioners for Applicant(s)
M/s. G.B. Motcham and
J. Kather Hussain

Legal Practitioners for Respondents
M/s. Abdul Saleem and
Vidyalakshmi for R-1
Smt. Rita Chandrasekar for R-2

Application No. 234 of 2014 (SZ)

Applicant(s)

Respondent(s)

M/s. D.L. Aqua Farm Private Limited rep.
by its Managing Director, Pappireddipatti
Taluk, Dharmapuri Dist.

The Tamil Nadu Pollution Control Board,
rep. by its District Environmental Engineer,
Dharmapuri Dist . 3 others.

Legal Practitioners for Applicant(s)
M/s. K.Sukumaran
V. Rameshvel and Muarugesh

Legal practitioners for respondent(s)
Mrs. Rita Chandrasekar for R-1
M/s. Abdul Saleem and
Mrs.Vidyalakshmi for R-2 and R-4
Mr.P. Gnanasekaran for R-3

Application No.272 of 2014 (SZ)

Applicant(s)

Respondent(s)

Elite Extractz
Villupuram District

Vs. The Chairman, Tamil Nadu Pollution
Board, Chennai and 3 others

Leal Practitioners for Applicant(s)
M/s. Ravi Ananda Padmanabhan

Legal Practitioners for Respondent(s)

Application No. 301 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Sabari Water Plant Rep. By its Proprietor, P. Dharmaraj Dindigul		The Chairman, Tamil Nadu Pollution Control Board and 3 others

Legal Practitioners for Applicant(s)		Legal practitioners for respondent(s)
M/s. Ravi Ananda Padmanaban		Smt. Rita Chandrasekar for R-1 & R-2 M/s. Abdul Saleem and Vidyalakshmi For R-3 Shri P. Gnanasekaran for R-3

Appeal No. 07 of 2014 (SZ)

Appellant(s)	Vs.	Respondent(s)
M/s. Artisiyan Spring, Karur		The Chairman, Tamil Nadu Pollution Control Board, Chennai and others

Legal Practitioners for Appellant(s)		Legal practitioners for respondent(s)
M/s. TaaURS Associates Kamaleshkannan, S. Sai Sathyajith		Smt. Rita Chandrasekar, for R-1 and R-2 Shri P. Gnanasekaran, for R-3 Shri Abdul Saleem, S. Saravanan and Vidhyalakshmi, for R-4

Appeal No. 45 of 2014 (SZ)

Applicant(s)	Vs.	Respondent(s)
M/s. Shree Balaji Aqua Enterprises Jamali Nagar		The Chairman, TNPCB, Chennai & 3 others

Legal Practitioners for Applicant(s)		Legal practitioners for respondent(s)
M/s. TAAURS Associates		Mrs. Rita Chandrasekar for R1 & R2 Mr. P. Gnanasekaran for R-3 M/s. Abdul Saleem, S. Saravanan and Vidyalakshmi for R-4

Appeal No. 46 of 2014 (SZ)

Applicant(s) M/s.Sri Dhanalakshmi Minerals Katpadi Taluk, Vellore District.	Vs.	Respondent(s) The Chairman, TNPCB, Chennai and 3 others
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Legal Practitioners for Applicant(s) M/s. K.Prabu and N.Varuni.		Legal practitioners for respondent(s) Mrs. Rita Chandrasekar for R1 & R2 Mr.P.Gnanasekaran for R-3 M/s.Abdul Saleem, S.Sarvanan and Vidyalakshmi for R-4
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Appeal No. 47 of 2014 (SZ)

Applicant(s) M/s.Repute Infotech & Enterprises Ltd., K.B.Dasan Road, Chennai.	Vs.	Respondent(s) The Chairman, TNPCB, Chennai and Alwarpet, 2 others.
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Counsel for the Applicant(s): Mr. R. Sathyanarayanan.		Counsel for the respondent(s): Mrs. Rita Chandrasekar for Respondents.
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Appeal No. 51 of 2014 (SZ)

Applicant(s) M/s. Abu Food Products, Attur Salem Dist.	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board and 3 others
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Legal Practitioners for Applicant(s) M/s. Ravi Ananda Padmanaban		Legal practitioners for respondent(s) Smt. Rita Chandrasekar for R-1 & R-2 M/s. Abdul Saleem and Vidyalakshmi for R-3 Shri P. Gnanasekarana for R-4
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Appeal No. 52 of 2014 (SZ)

Applicant(s) M/s. Kavitha Mineral Watter Krishnagiri District	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board and 3 others
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Legal Practitioners for Applicant(s)
M/s. Ravi Ananda Padmanaban

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar for R-1 & R-2
M/s. Abdul Saleem and Vidyalakshmi
For R-3
Shri P. Gnanasekarana for R-4

Appeal No. 53 of 2014 (SZ)

Applicant(s) Respondent(s)
M/s. Maruthi Water Supply, Hosur Vs. Tâmilnadu Pollution Control Board
Krishnagiri Dist. Chennai and 3 others

Legal Practitioners for Applicants
M/s. K. Ravi Ananatha Padmanaban

Legal Practitioner for Respondents
Smt. Rita Chandrasekar
for R-1 and R-2
M/s. Abdul Saleem, S.Saravanan and
Vidyalakshmi for R-3
Mr.P.Gnanasekaran for R-4

Appeal No. 54 of 2014 (SZ)

Applicant(s) Respondent(s)
M/s. Vritcham Water Prooduts Vs. The Chairman, Tamil Nadu
Kancheepuram Dist Pollution Control Board and 3 others

Legal Practitioners for Applicant(s)
M/s. Ravi Ananda Padmanaban

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar for R-1 & R-2
M/s. Abdul Saleem and Vidyalakshmi
For R-3
Shri P. Gnanasekarana for R-4

Appeal No. 56 of 2014 (SZ)

Applicant(s) Respondent(s)
M/s. C.T.R. Minerals Vs. The Chairman, Tamil Nadu
Nadukombai Post, Namakkal Dist Pollution Control Board and 3 others

Legal Practitioners for Applicant(s)
M/s. Ravi Ananda Padmanaban

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar for R-1 & R-2
M/s. Abdul Saleem and Vidyalakshmi
For R-3

Shri P. Gnanasekarana for R-4

Appeal No. 57 of 2014 (SZ)

Applicant(s) M/s. GRK Minerals, Uthiramerur Kancheepuram Dist.	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board and 3 others
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Legal Practitioners for Applicant(s) M/s. Ravi Ananda Padmanaban		Legal practitioners for respondent(s) Smt. Rita Chandrasekar for R-1 & R-2 M/s. Abdul Saleem and Vidyalakshmi For R-3 Shri P. Gnanasekarana for R-4
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Appeal No. 62 of 2014 (SZ)

Applicant(s) M/s. Seeni SSA Aqua Farm Division Thirumangalam Taluk Madurai Dist.	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board and 3 others
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Legal Practitioners for Applicant(s) M/s. T. Muruganandam K.P.P. Raja Raaja Chozhan		Legal practitioners for respondent(s) Smt. Rita Chandrasekar for R-1 & R-2 M/s. Abdul Saleem and Vidyalakshmi For R-3 Shri P. Gnanasekarana for R-4
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Appeal No. 64 of 2014 (SZ)

Applicant(s) M/s. Sri Raghavendra Aqua Tech Idapady Taluk, Salem Dist.	Vs.	Respondent(s) The Chairman, Tamil Nadu Pollution Control Board and 3 others
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Legal Practitioners for Applicant(s) M/s. Ravi Ananda Padmanaban		Legal practitioners for respondent(s) Smt. Rita Chandrasekar for R-1 & R-2 M/s. Abdul Saleem and Vidyalakshmi For R-3 Shri P. Gnanasekarana for R-4
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Appeal No.66 of 2014 (SZ)

Applicant(s)
M/s. P.S.K. Agro Beverages
Mangani Post,
Salem Dist.

Respondent(s)
Vs. The. Chairman, Tamil Nadu
Pollution Control Board and 4 others

Legal Practitioners for Applicant(s)
Shri Ravi Ananda Padmanabhan

Legal practitioners for respondent(s)
Smt. Rita Chandrasekar for R-1 and R-2
M/s. Abdul Saleem and Vidyalakshmi for R-3
Shri Gnanasekaran for R-4 and R-5

Appeal No.73 of 2014 (SZ)

Applicant(s)
Shri P. Palanisamy
M/s. Sree Ayyappa Water
Supplies, Coimbatore

Respondent(s)
Vs. The Chairman, Tamil Nadu Pollution
Control Board, Chennai and 7 others

Legal Practitioners for applicant(s)

M/s. Satish Parasan and
R. Parthasarathy

Legal Practitioners for respondent(s)

Mrs. Rita Chandrasekar for R-1, R-2
M/s. Abdul Saleem and Vidyalakshmi
For R-4
Mr. P. Gnanasekaran for R-5 to R-7
M/s. M.K. Subramanian and
M.R. Gokul Krishnan for R-8

COMMON ORDER

Note of the Registry	Orders of the Tribunal
Order No.	Date: 29 th January, 2016. The Application No. 40 of 2013 (SZ) was taken cognizance <i>suo motu</i> by the Tribunal on 05.03.2013 and thus it is pending for a

quite long time. During the pendency of the Application No.40 of 2013(SZ), all the packaged drinking water units in the City of Chennai were brought under the purview of the application through the Tamil Nadu State Pollution Control Board (Board) and an Association comprising of 867 packaged drinking water units in the State of Tamil Nadu became a party to the proceedings. In respect of all the units, quality of water was tested and the units, whose samples were found to be safe, were permitted to continue to operate to produce packaged drinking water. The units in whose favour no interim orders were granted were not allowed to carry on their operation while in so far as the second category, the units were permitted to have electricity connection for the protection of the membrane and for maintenance of the machinery. Apart from that, the units which fall under the safe category for the extraction of ground water as recognized by the Public Works Department (PWD) and on issuance of No Objection Certificate by the PWD were permitted to continue their operation that too for a limited number of hours per day in view of the need of the public at large and also the employees' of the units whose livelihood depends on it.

2) Taking note of the pendency of the Main application No.40 of 2013 (SZ) and all connected applications and appeals for nearly about 3 years and also to ensure the need of the public for making them available safe drinking water at present, the Tribunal is of the view that the Main Application No. 40 of 2013 (SZ) and all the

pending applications and appeals connected to the main application and also the M.A.'s and R.A's can be disposed of in the following manner:

3) The packaged drinking water units in the State are divided into three categories as shown below:

I) In whose favour no interim orders were granted and who do not carry on any operation i.e. the units shall be kept closed;

II) The Units permitted to have electricity connection only for the protection of the membrane and for the maintenance of the machinery;

III) Units which are permitted to continue their operations on the basis of the conditions imposed by the PWD and to be operated for a limited number of hours per day in view of the need of the public at large and also the employees' of the units whose livelihood depends on it.

First Category

Application Nos. 94 of 2013, 96 of 2013, 100 of 2013, 51 of 2014, 197 of 2014, 202 of 2014, 204 of 2014, 206 of 2014, 217 of 2014, 224 of 2015 and 246 of 2014, Appeal No.49 of 2014 and Appeal No.61 of 2014.

Second Category

Application Nos. 192 of 2014, 198 of 2014, 203 of 2014, 205 of 2014, 208 of 2014, 213 of 2014, 215 of 2014, 221 of 2014, 231 of

	<p>2014, 257 of 2014, 259 of 2014, 260 of 2014, and 77 of 2015 and Appeal Nos. 58 of 2014, 59 of 2014, 65 of 2014, 74 of 2014, 75 of 2014, 76 of 2014, 77 of 2014, 78 of 2014 and 79 of 2014.</p> <p><u>Third Category</u></p> <p>M.A.Nos.13 of 2014, 17 of 2014, 18 of 2014, 19 of 2014, 29 of 2014, 31 of 2014, 35 of 2014, 44 of 2014, 47 of 2014, 48 of 2014, 63 of 2014, 71 of 2014, 73 of 2014, 166 of 2014, and</p> <p>R.A. Nos. 1 to 19 of 2014 and</p> <p>Application Nos. 158 of 2013, 159 of 2013, 160 of 2013, 170 of 2013, 318 of 2013, 7 of 2014, 14 to 20 of 2014, 28 of 2014, 30 of 2014, 44 of 2014, 46 to 50 of 2014, 52 of 2014, 53 of 2014, 54 of 2014, 56 of 2014, 57 of 2014, 58 of 2014, 62 of 2014, 64 of 2014, 65 of 2014, 66 of 2014, 67 of 2014, 68 of 2014, 70 of 2014, 71 of 2014, 72 of 2014, 74 of 2014, 75 of 2014, 82 of 2014, 88 of 2014, 94 of 2014, 95 of 2014, 104 of 2014, 124 of 2014, 125 of 2014, 127 of 2014, 143 to 146 of 2014, 180 to 190 of 2014, Application Nos.193 to 195 of 2014, Application Nos.200 of 2014, 234 of 2014, 272 of 2014, 301 of 2014, and</p> <p>Appeal Nos.7 of 2014, 45 of 2014, 46 of 2014, 47 of 2014, 51 of 2014, 52 of 2014, 53 of 2014, 54 of 2014, 56 of 2014, 57 of 2014, 62 of 2014, 64 of 2014, 66 of 2014 and 73 of 2014.</p> <p>4) This order shall continue and be subject to the disposal of the order of the Hon'ble High Court of Madras in the Writ Proceedings whereby the G.O.Ms. No.142 dated 23.07.2014 is being</p>
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	<p>challenged.</p> <p>5) A direction is issued to the Chairman of the Board to cause circulation of the copies of this order to all the DEE's in the State with a specific direction that they shall monitor and ensure strict compliance of the conditions imposed on the units in respect of all the categories and to initiate action if any violation is noticed as required in law. It is also made clear that if and when any lapse on the part of the officials of the Board is brought to its notice, the Tribunal will not hesitate to initiate appropriate action against those officials found violating the order as envisaged under the enactment.</p> <p>6) The Main Application No. 40 of 2013 (SZ) and all the pending applications and appeals connected to the Main Application and also the M.A.'s and R.A's are disposed of accordingly. However, there is no order as to costs.</p> <p>P.S. Rao (Expert Member)</p> <p>Justice M. Chockalingam (Judicial Member)</p>
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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28535 to 28539 of 2014 & etc., batch

W.P.No.28535 of 2014

- 1 M/s.Shanthi Aqua Farms
Plot No.16 4th Street,
I Floor, Federal Bank Building
Balaji Nagar, Anakaputhur
Rep. by its Proprietor Mr.Mahalingam
- 2 M/s.Sri Aqua Farms
S/o.No.385/2b1 Mamallapuram Salai,
Kuchikadu Village, Kuzhipanthandalam,
Thirukazhukundram,
rep. by its Proprietor, Mr.Venkatesh
- 3 M/s.Vc Water Company
Old S.No.313/9, New S.No.313/9 A2,
Plot.No.3 Pillaiyar Koil Second Street,
Self Help Industrial Estate,
Keelkattalai Tambaram Tk.
rep. by its Proprietor Mr.Chandra Sekar Raja
- 4 M/s.Sri Venkateswara Mineral Water,
Survey NO.151, No.154 Karanai Village,
Thirukallukundram , rep. by its
Proprietor Mr.Dillibai
- 5 M/s.Sri Arunachalam
Enterprises, S.No.56/2a No.15,
Sivagajalakshmi Garden, T.V.Nagar
Sriperumbudur Block, Mugalivakkam,
Sriperumbudur, rep. by
its Proprietor Mr.Venkatesan
- 6 M/s.Golden Aqua Products

- Valluvar Nagar, Sithalapakkam, Chennai-126
rep. by its Proprietor Mrs.P.Thilagavathi
- 7 M/s.Gsk Aqua Minerals
92/1a, Rose Nagar, Kancheepuram Block
Kovilambakkam,
rep. by its Proprietor Mr.Sathish
- 8 M/s.Shri Raman Aqua
Industries, NO.2/2 Ponniamman Koil St.,
Vengapakkam Village, Thirukalukundram
rep. by its Proprietor Mr.Rajesh
- 9 M/s.Shanth Aqua Products,
No.1/534/A Mambakkam Main Road, Vengaivasal,
Medavakkam,
rep. by its Proprietor Mr. Balachander
- 10 M/s.Mahalakshmi Aqua Industry
Malai Street, No.28 Ponmar Village, rep. by
its Proprietor Mr.Packel Durai
- 11 M/s.Anush Aqua Farms
No.30, Gangaianman Koil Street, Polacheri
Village, rep. by its Proprietor Mr.Suresh
- 12 M/s.Sree Jothi Swaroop
Water Industry, S.No.406/1B Manamai Village
Thirukalukundram, rep. by its Proprietor
Mr.V.Balaji
- 13 M/s.Bee Cee Aqua Enterprises
S.No.428/1B1 Ponmar Village, Tirupurur Block
Chenglepattu Taluk, rep. by its Proprietor
Mr.B.Chitra
- 14 M/s.United Water and Food
Technologies, Venkadamangalam Main Road,
Ponmar, rep. by its Proprietor Mr.Venkatesh
- 15 M/s.Sivakumar Aqua Industries,
No.1 Forest Department Quarter
Main Road, Perumbakkam, rep. by its
Proprietor Mr.Sukumar

- 16 M/s.Jamp Aqua Farm
1A , Azhikandeeswarar Nagar, M.K.Chavadi,
Okkiyam, Thoraipakkam , rep. by its
Proprietor Mr.V.Murali
- 17 M/s.Alagar Aqua Enterprises
NO.94, Tharapakkam Village, Kamachipuram
Block, Tharapakkam, Sriperumbudur, rep. by
its Proprietor Mr.Natarajan
- 18 M/s.Immanuel Aqua Farms
No.36, Mettu Street, Karaima Nagar
Kundrathu,r rep. by its Proprietor Mr.
Immanuel
- 19 M/s.Sri Balaji Aqua Farms
291/1b, Pillaiyar Koil Street,
Tirukalukundram Block, Nallur, rep. by its
Proprietor Mr.Karunakaran
- 20 M/s.Sakthi Aqua Industries
111/1A, Mambakkam Main Road, Madambakkam
rep. by its Proprietor, Mr.K.Kasinathan
- 21 M/s.Aqua Gold Mineral Water
Plot No.112 & 113, 1st Street, Ganesan Nagar
Kaspapuram, rep. by its Proprietor
Mr.Mariappan
- 22 M/s.Virutcham Water Products,
No.7, Sf No.789/1 Chetty Street, Koovathur,
Cheyyur, rep. by its Proprietor Mr.Balasubramanian
- 23 M/s.Sri Shanmuga Enterprises
Nookkampalayam Main Road, Perumbakkam ,
Chennai-100, rep. by Mr.M.Sasi Kumar
- 24 M/s.Abi Aqua Gold
S.No.31/2 Murugesapuram, Rengasamy Street,
Zameen Pallavaram,
rep. by its Proprietor Mr.Sivan Raj
- 25 M/s.Kumars Aqua

- 1/95, Eswaran Koil Street, Ponmar Village
rep. by its Proprietor, Mr.P.T.Rajendran
- 26 M/s.Akash Kavin Aqua Park
No.81/1-b Madambakkam Main Road
Madambakkam, Chennai-126, rep. by its
Proprietor Mr.M.S.Maheswaran
- 27 M/s.A.V.M.Shanmugam Aqua
Industries, 1, Amman Koil Road,
Kovilancherry, rep. by its Proprietor,
Mr.M.S.Elangeswaran
- 28 M/s.Annai Minerals
S.No.353/4b7, Plot NO.7, Rajiv Gandhi Nagar,
Kovur Village & Post, Kannathur Block,
Sriperumbudur Tk.
rep. by its Proprietor Mr.T.Dasan
- 29 M/s.Thirukumaran Aqua Farm
No.37, Chrompet Road, Alandur, Nanmangalam
Taluk, rep. by its Proprietor Mr.G.Punnaimoorthy
- 30 M/s.Lakshmi Aqua Farms
261/2, Medavakkam Road, Kancheepuram Block ,
Mambakkam Village,
rep. by its Proprietor Mr.Venkat
- 31 M/s.Lt Aqua Industries
42/2, 3rd Cross Street Vengaivasal (Adinath
Avenue), St. Thomas Mount Block , rep. by its
Proprietor, Mr.T.Raj Kumar
- 32 Mathura Aqua Products
No.52, Ponnamman Kovil St., Kundrathur
Block, Moulivakkam, rep. by its Proprietor
Mr.Vasanth
- 33 M/s.Star Aqua Products
3/267, Hasthinapuram Salai, Nanmangalam
rep.by its Proprietor Mr.Duraisamy
- 34 M/s.Vds Aqua Farm
S.F.No.6/1, Devaraj Rice Mill Street ,

Kovilancherry Road, Agaramthen Village
rep. by its Proprietor Mr.Duraisamy

- 35 M/s.S.S.B.Aqua Farms,
Vedhagiri Nagar, Ponmar, rep. by its
Proprietor, Mr.Selva Raj
- 36 M/s.Om Muruga Aqua Park
No.41, Nuthancherry, St. Thomas Mount Block,
Madambakkam, rep. by its Proprietor,
Mr.S.Kalidass
- 37 M/s.K.B.R.Aqua Water
S.No.40/1, Nuthanchery, Madambakkam,
rep. by its Proprietor Mr.Ethiraj
- 38 M/s.Thavanish Aqua Farm
No.335/1 Royal Garden, Kancheepuram Block &
TK, Medavakkam,
rep. by its Proprietor Mrs.R.Revathi
- 39 M/s.Chellam Aqua Industries,
5/280 B Sribaba Nagar, Medavakkam, rep. by
its Proprietor Mr.N.Santhosh
- 40 M/s.Annumaan Aqua Industry
29/2D4 Vaathiyaar Thottam, Near Indian Oil Petrol Bunk
Kancheepuram Block, Madurapakkam Panchayat,
Ponmar Post, Moolachery rep. by its
Proprietor Mr.M.Dinesh
- 41 M/s.S.R.K.Natural Products
No.61, Alapakkam Main Road, Maduravoyal
Chennai-95, rep. by its Proprietor
Mr.R.Senthilkumar
- 42 M/s.Yes.R.K.Health Products
Old No.9 / New No.45, C.R.Ramakrishnapuram,
L & T Colony, Phase-2, 2nd st., Virugambakkam
Chennai-92 , rep. by its Proprietor Mr.R. SenthilKumar
- 43 M/S.Vickey Traders
No.63, GNT Road, Madhavaram, Chennai – 110
rep. by its Proprietor Mr.R. SenthilKumar

- 44 M/s.Sterling Aqua Products
No.63, Madurainaicken Street, Maduravoyal,
Chennai-95, rep. by its Proprietor Mr.Jeyakumar
- 45 M/s.Penquin Aqua Products,
147, Avadi Road, Veeraragapuram, Poonamallee
Taluk, Chennai-77,
rep. by its Proprietor Mr.Periyasamy
- 46 M/s.Britt Mineral,
2/397, Kannikoil Street, Sithalapakkam,
rep. by its Proprietor Mr.Murugan
- 47 G.G.K.Aqua Water Company,
277/14A, Mambakkam Village & Post,
Kancheepuram Block, Mambakkam rep. by its
Proprietor Mr.Gokul
- 48 M/s.Sri Vel Murgan Aqua Industries,
No.1/185 Navalur Main Road,
Thazhambur, rep. by its Proprietor
Mrs.B.Sarala
- 49 M/s.Victory Aqua Farms
S.No.238/4b1 b 238/4b1c, Duraisamy Salai
Ponmar, rep. by its Proprietor Mr.Sekar
- 50 M/s.JSSV Aquaa Techs
No.7/2b, Amman Koil Street, St. Thomas Mount
Block, Moolachery rep. by its Proprietor
Mr.K.Ganesan
- 51 M/s.Sathyam Water
No.1, Thirumalai Nagar Main Road, Sri Ambal
Nagar, Sembakkam,
rep. by its Proprietor Mr.Sekar
- 52 M/s.Nila Health Product Company,
Main Road, Nukkampalayam,
Perumbakkam Village, rep. by its Proprietor
M/s.K.Maria Selvi
- 53 M/s.Krupa Aqua Farms

- No.23, Vengadamangalam Village, Ponmar Post ,
rep. by its Proprietor Mr.C.Kennedy
- 54 M/s.J.V.Aqua Industries
No.2/178 Service Road, Thandalam, rep. by
its Proprietor Mr.C.Kennedy
- 55 M/s.Floorance Aqua Farm
103, Kalathumedu Street, St. Thomas Mount
Block, Ottiyambakkam, rep. by its Proprietor
Mr.C.Kennedy
- 56 M/s.J.V.Aqua Farm,
488/17, Vedagiri Nagar, Ponmar, rep. by its
Proprietor Mr.C.Kennedy
- 57 M/s.Sri.Nithya Aqua products,
No.27 Kikalthirpur Village, Vishar Road
Kancheepuram, rep. by its Proprietor
Mr.T. Moorthi
- 58 M/s.Aqua Vickey
286/3B, 1st Street, Bharathidasan Nagar
Mambakkam Road, Vengaivasal, rep. by its
Proprietor, Mr.Mariappan
- 59 M/s.Minerva Minerals,
Plot No.13, 14 No.3/60, Nookampalayam,
rep. by its Proprietor Mr.C.T.Ganesh Kumar
- 60 M/s.A.Ve.Aqua Farms
Plot No.4 , Church Road, Injambakkam, rep. by
its Proprietor Mr.Mani Vasakam
- 61 M/s.Pandian Aqua Products
S.No.539/4, Bangalore High Road, Sithur
Village, Sunguvar Chatram , rep. by its
Proprietor Mr.Saravanan
- 62 M/s.Evn Aqua Farm
No.23, Vengadamangalam Main Road, Ponmar
rep. by its Proprietor Mr.E.Nagarajan
- 63 M/S. Aqua Spring India Pvt. Ltd.

- No.3 Chinnandikuppam Road,
Vettuvanken,i rep. by its Proprietor Mr.RaviSankar
- 64 M/s.Nandini Industries
Plot No.1065, Maruthupandiar Avenue, Sunambu
Kolathur,s rep. by its Proprietor Mr.D.Baskar
- 65 M/s.Sri Nandini Aqua Products
1/523, Mambakkam Main Road, Veerapathram
Nagar, Vengaivasal, rep. by its Proprietor
Mr.D.Baskar
- 66 M/s.Sri Krishna Water Tech
No.3, Venkatesan Nagar, Enathur Road,
Kancheepuram Block, Enathur, Kancheepuram,
rep. by its Proprietor Mr.Lakshmi Narayanan
- 67 M/s.Everest Aqua Industries
114/2, Vengaivasal Main Road, Vengaivasal
rep. by its Proprietor Mr.S.Sahul Hameed
- 68 M/s.S.R.N.Aqua Products
Old No.73, New No.119, M.K.N.Road St.
Thomas Mount Block, Alandu,r rep. by its
Proprietor Mrs.Subha
- 69 M/s.Sri Vinayaga water Industries,
S.F.No.244/2a, 2b, 2b1 4a, No.43
Padur Village, Tiruporur Block,
Chenglepattu,
rep. by its Proprietor Mr.Sankar
- 70 M/s.V.S.P.Oil Mills
12, Bajanai Koil Street, Hastinapuram, rep.
by its Proprietor Mr.Nagarajan
- 71 M/s.Water Gate Foods &
Beverages, 27, Kizhakottaiyur, Thargas
Bajanai Koil Street, Melakottaiyur, rep. by
its Proprietor Mr.Prakash
- 72 M/s.Sri Lakshmi Waters
No.1 G.S.T.Road, Athangarai, Mamandur,
Maduranthagam Taluk, rep. by its Proprietor

Mr.Kumaravel

73 M/s.Pal Suganthy Aqua
No.81/2b, No.177, Madambakkam Mathura
Noothanjdri Village, rep. by its Proprietor
Mr.Rajan

74 M/s.Perinbam Aqua Farms
731/2, 731/4A Kutharipalaym Vellipalayam
Road, Annur Block, Mettupalayam Taluk ,
Coimbatore,
rep. by its Proprietor Mr.P.Pattu Jebaraj

75 M/s.Sarooja Agro Foods
8/1 VOC Street, Sholinganallur, rep. by its
Proprietor Mr.Raja Sekaran.

..Petitioners

VS

1 The Secretary to Government of Tamilnadu
Public Works (R2) Department
St. Fort George Chennai-600009.

2 The Chairman
Tamil Nadu Pollution Control Board, Guindy
Chennai-600 032.

3 The Central Ground Water Board,
Govt. of India-Ministry of Water Resources
South Eastern Coastal Region,
Rep. by its Regional Director, E-1 G-Block, Rajaji
Bhavan, Chennai-600 090.

4 The Chief Engineer
Public Works Department,
Water Research Organization
State Ground & Surface Water
Resources Data Centre, Taramani, Chennai – 600 113.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the entire records in connection with the

impugned G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2017 of the 1st respondent and quash the said impugned G.O.dated 23.7.2014 as it violates the fundamental rights of the petitioners.

For Petitioner : Mr.M.Venkatachalapathy, Senior Counsel
For Mr.M.Sriram

For Respondents : Mr.VijayNarayan, Advocate General
Assisted by Mr.R.Govindasamy, Spl GP
for R1 & R4

M/s.Ritachandrasekar for R2
Mr.V.Ashok Kumar, ACGSC for R3

COMMON ORDER

Swami Vivekanda said, "The Lord is the only Giver, all the Men in the World are only Shopkeepers. Get His Cheque, and it must be honoured everywhere."

2.The lis on hand are filed questioning the validity of the order issued by the 1st respondent in G.O.Ms.No.142, Public Works(R2) Department dated 23.07.2014. The order impugned is about the effective Management of Ground Water and Regulations for Management of Ground Water and issue of No Objection Certificate / Licence for Extraction of Ground Water in the State of Tamil Nadu. The categorization formulated by the Public Works Department in G.O.Ms.No.52 dated 02.03.2012 has been approved by the Government and accordingly, the categorization of over-exploited, critical, semi-critical and safe blocks are notified. All the over-exploited and critical blocks are notified as

category 'A', where Stage of Ground Water Extraction is 90% and above and all the semi-critical and safe blocks are notified as category 'B', where Stage of Ground Water Extraction is below 89%. The impugned order formulates Regulations for Management of Ground Water.

Pleadings of the Petitioner:

3.The petitioners in all these writ petitions set out their grievances by stating that they all are running business of Manufacturing Packaged Drinking Water Units. The Petitioners have obtained licenses from the Bureau of Indian Standards, Certificate of Manufacturing License and also from the Food Standards Authority of India(FSSAI License) and the said licenses were periodically renewed and the same is valid as on the date of filing of the writ petitions. The petitioners have registered their names with the Commercial Taxes Department and they are affected on account of the Government order issued in G.O.Ms.No.142, Public Works Department dated 23.07.2014. The petitioners submit that withdrawal of Ground Water all over the Nation was the concern of the Central Government and with a view to safeguard the interest of the public in general and balancing the same by permitting the water based industries, the Central Ground Water Authority was constituted under the powers conferred on the Union in Section -3(3) of Environment Protection Act, 1986 and the guidelines were also issued on 15.11.2012. As per the guidelines, the entire Country will be classified as Notified Area and Non-notified areas. So far as the

notified areas are concerned, permission to abstract Ground Water through any energized means will be accorded for the only purpose i.e., drinking purpose. As far as the drinking purposes are concerned, No Objection Certificate(NOC) can be accorded for construction of groundwater abstraction structures / replacement of existing defunct well for drinking purpose only.

4.As far as the State of Tamil Nadu is concerned, though they have enacted the Tamil Nadu Ground Water(Development and Management) Act, 2003 for regulating tapping of Ground Water in Tamil Nadu, the said Act having received the assent of the Governor, never notified and ultimately by an Ordinance No.3/2013, the same was repealed. Thus, as on date, there is no source of authority or power for the Tamil Nadu to regulate Water within its territory. It is further stated that the Central Act being in force, which governs the entire Country, the guidelines issued by the Central Ground Water Authority will be made applicable to the State of Tamil Nadu. That being the position, the developments in Tamil Nadu will have to be traced only with the Central Regulations for the purpose of the present writ petitions. The Government issued G.O.Ms.No.51, Public Works Department, dated 11.02.2004, whereby the two category of areas were brought out viz., Dark and Grey areas. The blocks, which more than 85% of under Ground Water Development were classified as "Dark" Block, where the underground water development was between 65% and 85%, they were categorized as "Grey" blocks. The above said Dark and Grey Blocks

were done on the basis of Ground Water Estimation Committee norms prevailed in the year 1984. The Committee seems to have issued the norms in the year 1997. Based on the report, once again the Chief Engineer, Public Works Department / the 3rd respondent herein wanted the areas to be categorized as Over Exploited Blocks, Critical Blocks, Semi Critical Blocks and Safe Blocks.

5.The entire Government Order has no statutory backing and cannot run contrary to the guidelines issued by the Central Ground Water Authority / the 3rd respondent herein. As per the said Government Order, no fresh scheme should be formulated in over exploited and critical blocks. So far as semi critical and safe blocks are concerned, the fresh scheme should be in consultation with the State Ground and Surface Water Resources Data Centre of the Public Works Department. The Government, thereafter issued G.O.Ms.No.52, Public Works(R2) Department dated 02.03.2012 and according to which, they have divided the entire Tamil Nadu into 386 blocks and Chennai being Block No.1 and formulated that nearly 139 blocks were considered to be under Over Exploited blocks(Including Chennai) and 33 are in Critical blocks and 67 are in Semi Critical blocks and 136 are considered to be in Safe blocks. Apart from this, the G.O. also states that 11 blocks are saline / Poor quality blocks, which was not under the original categorization.

6.The Ground Water data centre of the State has no statutory authority to

make assessment. It is also a fact with a view to support their Claims in the Cauvery Water Dispute Forums and Mullai Periyar cases assessment were made, so as to make the entire Delta Area concerned were brought under over exploited area. It is significant to note that Dry area as Ramnad etc., are treated as Safe areas under the assessment. It is submitted that the Said assessment therefore, has no value at any rate the packaged drinking water units cannot be assessed on the basis of the assessment by an authority, which has no existence. The entire endeavor of the Government is only to allow industry to grow in dry areas by declaring it as Safe Area and not to kill the existing schemes.

7. There are certain decided cases, which all are based on the repealed Act. Therefore, the G.O., neither 51 of the year 2004 nor 52 of the year 2012 cannot be pressed into service. As a matter of fact, challenging the G.O.No.52 dated 02.03.2012, writ petitions are filed and the same is pending consideration before the Principal Bench of High Court at Madras in W.P.Nos.2166 and 2763 of 2014. The Government Orders as well as the Act are non-est in the eye of law as on date.

8. The National Green Tribunal has got applications / appeals with reference to individuals and associations, which are voicing their grievances against the directions issued by the State authorities. In view of the challenge to

the issuance of Government Orders by the State Government, the petitioners have necessarily to approach this Hon'ble Court and as such already the writ petitions are admitted and pending. The Government by means of G.O.Ms.No.142, Public Works(R2) Department dated 23.07.2014, under the guise of Management of Ground Water, has framed Regulations for Management of Ground Water and made issue of No Objection Certificate / Licence for Extraction of Ground Water in Tamil Nadu.

9.The Regulations are tracing their source of power in G.O.Ms.No.52, Public Works (R2) Department dated 02.03.2012, which is impugned in the present writ petition are pending. The very Regulation said to have come into force immediately i.e., from 23.07.2014. The said orders makes it mandatory to get No Objection Certificate from the State Ground and Surface Water Resource Data Centre. It specifically prohibits any water based industries in over exploiting and critical blocks from getting No Objection Certificate. It is not clear that as to the applicability of this, No Objection Certificate for the existing Water based industries in over exploiting and critical blocks.

10.There is total non-application of mind, while framing the Regulations. The Regulations for the first time speaks of getting a No Objection Certificate. The Government Orders, which wanted to regulate has no statutory backing. It is only by virtue of this, the Government orders submissions are made before the

National Green Tribunal and the water based industries are obliged to file applications for Non Objection Certificates. It is only in the present Regulation, this being made as a requirement. The circular issued by the 4th respondent, specifically states that the existing Water based industries should be permitted to run without any further expansion. The very object and purpose is to supply drinking water to citizen. It is further submitted that the Petitioners came to know about the issuance of impugned Government order in G.O.Ms.No.142, Public Works(R2) Department dated 23.07.2014 of the 1st respondent only during the third week of September 2014 and as such the petitioners having left with no other efficacious alternative remedy for the present writ petitions.

Counter Pleadings of the Respondents:

11.The Special Secretary to Government, Public Works department, Secretariat, Chennai – 9 filed a common counter affidavit on behalf of the Principal Secretary to Government, Public Works Department, the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai.

12.It is stated that the Ground Water Department, a Wing of the Pubic Works Department, was formed during the year 1970 to meet the needs of Ground Water for Irrigation, Industrial and Domestic Purposes in the State of Tamil Nadu. Various investigation works were carried out by the Department from 1972, such as water level data, bore well lithology data and various

assessment details for the entire State of Tamil Nadu. The nomenclature of the Ground Water Department was changed as "State Ground and Surface Water Resources Data Centre" during the year 1995. One of the duties of the State Ground and Surface Water Resources Data Centre is assessment of Ground Water Potential to know the overall quantum of Ground Water resources available in Tamil Nadu. The Ground Water Wing became the authorized department to assess the Ground Water potential with the guidance of Geologists in the department by compiling data such as Water Level, Rainfall, Extraction for Irrigation, Industries, various domestic purposes, Infiltration, Future needs, etc.,

13. The State Ground and Surface Water Resources Data Centre has estimated the Ground Water resources of Tamil Nadu periodically in coordination with the Central Ground Water Board, Ministry of Water Resources, Government of India, Chennai, based on the Methodology evolved by the Ground Water Resources Estimation Committee, 1997(GEC 97). Earlier, the Ground Water Potential Assessments as on January 1992 and January 1997(projected development at year 5) were done in the State, taking the Panchayat Union Block as an Assessment Unit and the entire State was categorized as Dark and Grey areas. The Blocks with more than 100% and between 85% and 100% Ground Water development(Extraction) were categorized as "Dark Blocks" and the blocks with Ground Water development between 65% and 85% were categorized as "Grey Blocks". This assessment was approved by the Government

vide G.O.2(D) No.326, Public Works(R2) Department, dated 23.11.1993.

14.To control, regulate and manage the Ground Water resources in the State, the Government of Tamil Nadu had enacted the Tamil Nadu Ground Water(Development and Management)Act, 2003(Tamil Nadu Act No.3 of 2003) (hereinafter referred as Tamil Nadu Act, 2003). This Act extended to the entire State of Tamil Nadu, except the areas to which the Chennai Metropolitan Area Groundwater(Regulation) Act 1987 (Act No.27 of 1987) extended, i.e., the whole of the Chennai City and the notified 302 revenue villages in Kanchipuram and Thiruvallur Districts. But, the Tamil Nadu Act, 2003, was not implemented due to lack of framing of the rules and assignment of the authority under the Tamil Nadu Act, 2003 and it was repealed by the Tamil Nadu Ground Water(Development and Management) Repeal Act, 2013(Tamil Nadu Act No.23 of 2013).

15.Subsequently, the Ground Water Potential Assessment was done as on March 2003. In this assessment, the Panchayat Union Blocks in Tamil Nadu were categorized as Over-Exploited, Critical, Semi-Critical, Safe, and Saline instead of Dark and Grey blocks. The Blocks with more than 100% Extraction of Ground Water were categorized as "Over Exploited Blocks", the blocks with 90% to 100% Extraction as "Critical Blocks", the blocks with 65% to 90% Extraction as "Semi Critical Blocks", the blocks with less than 65% Extraction as "Safe Blocks"

and the blocks with bad quality Ground Water were categorized as "Saline Blocks". All the Over-Exploited and Critical Blocks were declared as Notified Blocks A category(Stage of Ground Water Extraction is 90% and above) and all the Semi Critical and Safe Blocks were declared as Notified Blocks B Category(Stage of groundwater Extraction below 89%). No Schemes should be formulated in Notified Blocks – A category, i.e., over exploited and critical blocks. All the schemes should be formulated through the State Ground and Surface Water Resources Data Centre of the Water Resources Department and the Chief Engineer, State Ground and Surface Water Resources Data Centre would issue No Objection Certificate for Ground Water Clearance in the Semi Critical and Safe Blocks notified as B category(Stage of Groundwater Extraction below 89%). This Assessment was approved by the Government vide G.O.Ms.No.51, Public Works(R2) Department, dated 11.02.2004.

16.The Ground Water Potential Assessment was done as on March 2009 and the Panchayat Union Blocks in Tamil Nadu were categorized as Over Exploited, Critical, Semi Critical, Safe and Saline blocks and this categorization was approved by the Government vide G.O(Ms).No.52, Public Works(R2)Department dated 02.03.2012.

17.Before getting approval from the Government for the above categorization of the blocks, the categorization proposals were submitted for

approval to both the Central as well as the State Level Technical and Administrative Committees. The Central Technical Committee constituted with members, viz, Indian Institute of Technology Professionals, Chief Engineers of various departments and Regional Directors of Central Ground Water Board and National Bank for Agriculture and Rural Development(herein after referred as "NABARD"). Then, the same proposal was submitted for approval to the Central Administrative Committee constituted with Secretaries of various departments, Central Pollution Control Board, Officials of Ministry of Water Resources, NABARD, etc., At the State Level, the same assessment proposal was approved by the State Level Working Group Committee which includes members of the NABARD, Tamil Nadu Water Supply and Drainage Board, Indian Institute of Technology, Geology Professionals, Chief Engineers, Officers of various Line Departments and Regional Director of Central Ground Water Board and then by the State Level Committee, which includes Secretaries of seven departments, NABARD, Tamil Nadu Pollution Control Board and various departmental Chief Engineers and Regional Director of Central Ground Water Board. The above assessments were approved by the Ministry of Water Resources, based on the intimation by the Central Ground Water Board, South Eastern Coastal Region, Chennai, which is an authorized body of the Government of India. Only then, the State Government approved the above categorization.

18.The Ground Water potential assessment cannot be ascertained by the

water level fluctuation in one month in one particular place. While assessing an area, various factors such as Monthly Water Level Data for the past five years, average rainfall, total number of wells in the area, irrigation methods adopted in the area, cropping pattern details, geological conditions prevailing in that area, artificial recharge structures, etc., and various calculation methods have to be considered.

19.The Ground Water potential assessment is dynamic and not static. If any area shows remarkable improvement in groundwater level, then the categorization of that area would automatically change in the subsequent assessment. Hence, the Government orders were issued based on the Ground Water potential for the assessment periods only and not based on the present scenario.

20.The State Government had repealed the Tamil Nadu Act, 2003 by an Act called the Tamil Nadu Ground Water (Development and Management) Repeal Act, 2013 (Tamil Nadu Act No.23 of 2013), which was deemed to have come into force on 14th September 2013. The Tamil Nadu Act, 2003 was enacted taking into consideration the circumstances that prevailed in the year 2003. However, over the past 10 years, the following factors have drastically changed the scenario (i) Certain definitions like marginal and small farmers, etc., have not been clearly defined to carry out the purport of the Act, preventing groundwater

drawal for agricultural purposes and thereby causing hardship to farmers. (ii) The people at large are to be ensured minimum potable water from groundwater sources, when other sources are not sufficient especially in a drought affected year. (iii) The provisions in the Act require that all individuals should be registered with the Groundwater Authority and license should be obtained by all persons, having over 1 Horse power motor. If the Act in the present form had to be implemented and groundwater was not allowed to be tapped, it would have led to public outcry. (iv) The manner in which the drawal of groundwater has to be regulated for construction of multistoried buildings and for commercial exploitation of water, where water is used as raw material has not been addressed in the Act.

21.G.O(Ms).No.52, Public Works(R2) Department, dated 02.03.2012 was upheld by this Honorable Court on 18.09.2013 in Writ Appeal Nos.923 to 926 of 2009, W.P.Nos.23116 of 2006, 23896 to 23900 of 2006, 4711 of 2004 and 12375 of 2008 and connected miscellaneous petitions. This judgment highlighted that "9....direct the parties to approach the authorities of the Public Works Department for necessary approval based on the category to which they fall.....". We make it clear that even with repealing of the Act, G.O.(Ms).No.52, Public Works Department, dated 02.03.2012 will govern the interests of the parties and the State in the matter of regulating the business of the Writ Appellant herein."

22.Subsequent to repealing of the Tamil Nadu Act, 2003 in September 2013, in furtherance of the orders and instructions issued in G.O.(Ms).No.52, Public Works Department, dated 2.03.2012, the Government have issued Regulations in G.O(Ms).No.142, Public Works (R2) Department dated 23.07.2014, for regulating the exploitation of Ground Water in the State and issue of No Objection Certificate / Licence for Extraction of Ground Water, so as to safe guard the precious Ground Water resources of the State from the individuals who are indiscriminately exploiting Ground Water for their personal gains.

23.In G.O.(Ms).No.142, Public Works (R2) Department, dated 23.07.2014, only Regulations for Extraction of Ground Water and issue of No Objection Certificate were issued. The Regulations emphasize the methodology to be adopted for issuing No Objection Certificate, if any Firm applies for No Objection Certificate. Restrictions have been imposed for Extraction of Ground Water by water based industries in the interest of the Public only.

24.The Regulations were issued in G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014 in the interest of the public and their well being and there is no discrimination between Government and individuals(households). Any Drinking Water Scheme of the Government is allowed because it is the duty of the Government to provide water to its subjects. It is doing a public service

and discharging its bounden duty. But, the private companies are exploiting the groundwater for their personal gain and selling the natural resource at exorbitant rates and getting pecuniary benefits.

25.As per G.O.Ms.No.52, Public Works(R2) Department, dated 02.03.2012 and G.O.Ms.No.142, Public Works(R2) Department, dated 23.07.2014, the State Government have authorized and empowered the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai, among others, to issue No Objection Certificate for drawal and transportation of Ground Water, based on the hydro-geological conditions, to the New industries and for all other infrastructure projects / buildings in the State, except the areas to which the Chennai Metropolitan Area Ground Water (Regulation) Act, 1987 extends.

26.With regard to Regulation of Ground Water, a draft Model Groundwater (Sustainable Management) Bill, 2016 for Protection, Conservation, Regulation and Management of Ground Water is under the consideration of the Government of India and the comments have been called for from the State Governments. The comments of the Government of Tamil Nadu on the draft Model Bill have been furnished to the Government of India. Hence, it is appropriate that the Government is taking and bound to take necessary steps for Conservation, Protection and Management of Groundwater.

27. The State Government safeguards the natural Ground Water resources for the people's livelihood but the packaged drinking water companies are exploiting the Ground Water for commercial gain. The petitioners only want to quash the said Government Orders to exploit water for their own business purposes. The petitioners' only interest is commercial exploitation of Ground Water, whereas the Government Order was passed taking into consideration the future and welfare of the State and its people.

28. The Central Ground Water Authority has been constituted under Section 3(3) of the Environment(Protection) Act 1986, to regulate and control development and Management of Ground Water resources in the Country. The norms followed by the Central Ground Water Authority and Tamil Nadu State are similar for assessing the Groundwater potential and categorization of blocks as Notified and Non-Notified Blocks for Regulation and Management of groundwater resources based on the Ground Water Resources Estimation Committee(GEC) Methodology 1997 only. They allow drawal of the groundwater in notified areas for drinking purpose to the Government organizations only and not for commercial use in the guise of drinking purpose. The prevailing Ground Water conditions vary from State to State. Further, Water is a State subject and the State Government is the competent authority to protect and regulate its own precious Ground Water resources according to the conditions prevailing in the State and this need not be concurred by any Central Authority. Further, Tamil

Nadu is a Water Deficit State, where 90% of its surface water resources are non-perennial and fully utilized. So, the State depends more on the Ground Water resources for drinking and agricultural purposes. It is, therefore, the duty of the Government to control or eliminate commercial exploitation of Ground Water by individuals in the guise of supplying drinking water.

29.The petitioners and similar packaged water industries are exploiting Ground Water for their personal gain without considering the deterioration of Ground Water in the over exploited and critical blocks. If the said industries are allowed to run in the over exploited and critical areas, severe environmental hazards would occur and the Ground Water level would deplete to very deep levels causing irreparable loss to the environment and general public. In the coastal areas, sea water intrusion would occur and irreversibly spoil the fresh water aquifers also.

30.The National Green Tribunal(Southern Zone) in Application No.40 of 2013 (SZ), (Suo Motu) and etc., had issued orders on 29.01.2016 regarding closure and operation of the packaged drinking water units. The Tribunal had classified the units into three categories. In the first category, no interim orders were granted and the units were to be kept closed. In the second category, the units were permitted to have electricity connection only for protection of the membrane and for maintenance of the machinery. In the third category, the

units were permitted to continue their operations on the basis of the conditions imposed by the Public Works Department and to be operated for a limited number of hours per day. This Tribunal's order has to be continued and it is subject to the disposal of Writ Proceedings, whereby the G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014 has been challenged before this Court.

31.The action taken by the respondents is to protect the Ground Water in the interest of the State and to protect the people from over exploitation of Ground Water by the Packaged Drinking Water Companies.

32.About 19 numbers of similar Writ Petitions are pending in the Madurai Bench of Madras High Court praying for quashing of G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014.

33.The Government have issued G.O.Ms.No.113, Public Works Department dated 09.06.2016, based on the Ground Water Resource Assessment made for the year 2011 on Micro level Basis i.e., Revenue Firka has been taken as an assessment unit and the same has now come into force.

34.In respect of the petitioners in Writ Petition Nos.9615/2015, 15704/2016, 33094/2016, 43014/2016, 434/2017, 16127/2017, 13159/2017, 13160/2017, 21145/2017, 33879/2017, 7025/2017, 1079/2018, 2628/2018,

7060/2018 and 7841/2018, 53 petitioners have been issued No Objection Certificate from the State Ground and Surface Water Resources Data Centre, Chennai – 113, either for drawal or transportation of groundwater in Semi Critical and Safe blocks as per G.O.Ms.No.52, Public Works(R2) Department, dated 02.03.2012 and G.O.Ms.No.142, Public Works(R2) Department, dated 23.07.2014.

35. In respect of the petitioners in Writ Petition Nos.4849/2015, 15704/2016, 30874/2016, 33094/2016, 33658/2016, 37957/2016, 434/2017, 7206/2017, 16127/2017, 33879/2017, 2628/2018, 3504/2018, 7841/2018, 52 petitioners have applied for No Objection Certificate for drawal of Ground Water from the State Ground and Surface Water Resources Data Centre, Chennai – 113, which were rejected either due to (i) the presence in Over Exploited and Critical blocks as per G.O.Ms.No.52, Public Works(R2) Department, dated 02.03.2012 and G.O.Ms.No.142, Public Works(R2) Department, dated 23.07.2014 or (ii) not satisfying the spacing norms or (iii) coming under the Chennai Metropolitan Area Groundwater (Regulation) Act 1987.

36. In respect of the petitioners in Writ Petition Nos.4849/2015, 15704/2016, 26822/2016, 33094/2016, 43473/2016, 434/2017, 10934/2017, 16127/2017, 16553/2017, 21145/2017, 33879/2017, 12961/2017, 15037/2017, 29827/2017, 19777/2017, 28456/2017, 33162/2017, 1079/2018, 2628/2018,

3504/2018, 7060/2018 and 7841/2018, 101 petitioners have not applied for No Objection Certificate for drawal of Ground Water to the State Ground and Surface Water Resources Data Centre, Chennai – 113 and are running their Units without No Objection Certificate from the Department.

37. In order to regularize and channelize the limited Ground Water resources and to prevent various environmental impacts / hazards, Regulations of the State Government in the form of Government Order for preventing the illegal and commercial exploitation of Ground Water by the private parties / packaged drinking water companies are necessary. It is highly essential to protect the scarce and limited Ground Water resources of the State.

38. After considering all the circumstances, the petitioners have no valuable reasons to quash G.O.(Ms).No.142, Public Works(R2) Department, dated 23.07.2014, issued in this regard. The Government orders are in force to develop, manage, regulate and protect the Ground Water resources in the State and insist to use the precious resource judiciously and it is the State Government duty to protect the Ground Water resources for the benefit of all the stakeholders in the State.

Arguments on behalf of the petitioners:

39. The learned Senior Counsel as well as the other learned counsels

appearing on behalf of the writ petitioners in these batch of writ petitions, contended that the "State" has no jurisdiction to issue the impugned Regulation in G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014. The Central Government has already enacted legislation to govern the withdrawal of Ground Water. When the Central Government has constituted Central Ground Water Board to regulate the tapping of Ground Water, the "State" has no jurisdiction to issue any Regulation. When the Central Government has fixed certain norms for extracting Ground Water, then the "State" cannot issue an independent Regulation, which is not permissible and therefore, the "State" has no authority to issue such Regulations, which is impugned in the present writ petitions.

40.It is contended that some of the writ petitioners are already the holders of No Objection Certificate(NOC) from the competent authorities. Some of the writ petitioners are running the factory for many number of years and applied for issuance of Non Objection Certificate(NOC). However, their applications are not considered on account of the impugned Regulations issued in G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014. Thus, the writ petitioners are unable to carry on their business as per the norms fixed. It is further urged that Section 3-(3) of the Environment (Protection Act), 1986, states that "The Central Government may, if it considers it necessary or expedient so to do for the purpose of this Act, by order, published in the Official

Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise and powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures."

41. In view of such powers, the Government of India, through Central Ground Water Supply Board classified the areas as Dark and Grey areas. In view of such classification, the State Government has no authority to introduce new Regulations, so as to regulate the withdrawal of Ground Water by the writ petitioners.

42. It is contended that the writ petitioners are not objecting the Regulations *Per Se*. However, they object the manner, in which, the Regulations are issued. The "State" has not taken into account the level of Ground Water, prevailing on account of heavy rains and on account of other water resources. Periodical assessments are not made by the competent authorities of the State.

In the absence of any such periodical monitoring of Ground Water Level by the competent authorities, the regulations now imposed cannot be implemented.

43. It is contended by the petitioners that on account of heavy rainfall, Ground Water Level is increased. Those factors are not taken into consideration at the time of issuing the impugned Regulations. Contrarily, they are fixing the area without making frequent assessments, which is required for effective implementation of these Regulations. Thus, the impugned order is liable to be scrapped.

Arguments on behalf of the Respondents:

44. The learned Advocate General defending the State, has contended that the "State" has got jurisdiction and authority to issue such Regulations.

45. Schedule VII, List II-State List, Clause 17 of the Constitution of India states that "Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power are in the State List. "When the water has been incorporated in the State List, in the VIIth Schedule of the Constitution of India, the "State" has got every authority to regulate the Water Management within the territorial jurisdiction of the State."

46. The learned Advocate General contended that the Ground

Water(Development and Management) Act, 2003 has not been notified and implemented. However, the Chennai Metropolitan Area Ground Water(Regulation) Act, 1987(Tamil Nadu Act 27 of 1987) is in force. In order to regulate the withdrawal of Ground Water, throughout the State, Regulations are issued based on the opinions / suggestions obtained from the Experts in the field. Uniform approach is required in order to maintain the Environment, Ecology and other related issues, while granting permission to extract Ground Water by the Private individuals. Therefore, there is no infirmity in respect of regulating the Water Management, more specifically, withdrawal of Ground Water by all Private individuals. "State" is the authority even as per the statute to regulate the Water Management in respect of tapping of Ground Water by the individuals for commercial purposes. When the withdrawal of Ground Water is utilized for commercial uses, then the same is to be regulated in the interest of people at large. If these individuals, commercial establishments are permitted to extract the Ground Water unguidedly, then the same will affect not only the Environment and other implications, in respect of certain international standards are also violated. Thus, it is imminent for the State to control and regulate the withdrawal of Ground Water by these individuals / companies for commercial purposes in the interest of public at large.

Ground Water Extraction as an issue:

47.Groundwater is an important source of fresh water, important for both

drinking and irrigation. However, overexploitation can cause a myriad of issues that may take too long to be rectified. In our Great Nation, Ground Water is the Backbone of India's Drinking Water and Irrigation System, however, without proper Regulation, India has become one of the largest over-exploiters of groundwater in the world, threatening not only food security, but also land stability. The statistics show that 80% of India's drinking water is dependent on Ground Water, while 2/3 of water for irrigation is also supplied by groundwater. 84% of the total addition to irrigation over the last four decades has come from groundwater, and at least, and at least 60% of India's districts face groundwater over exploitation or serious quality issues. Even as per the Publications made in the Newspapers in 2017, it was the Central Ground Water Board warned that as much as 77% of the groundwater in Tamil Nadu has already been extracted and that a water crisis was imminent unless remedial measures were taken immediately. The effects of groundwater shortages are already being felt in India, with 21 Indian cities, including Delhi and Chennai projected to run out by 2020. Further studies revealed that groundwater from more than 50% of the dug wells were not suitable for drinking. Thus, Overexploitation of Ground Water can cause the following issues:-

- a. drying up of wells
- b. reduction of water in streams and lakes
- c. deterioration of water quality
- d. increased pumping costs

e. land subsidence, i.e loss of support below ground.

48. Undoubtedly, in India, the States have power to legislate on water related issues. Water is also recognized as a significant aspect of right to life.

49. In the case of ***M.C.Mehta Vs. Kamal Nath and Others, reported in (1997) 1 SCC 388***, the Apex Court held that Public Trust doctrine applied in India. The said principle was followed up in the case of ***State of West Bengal Vs. Kesoram Industries Ltd., reported in 2004 10 SCC 201***, Where the Apex Court discussed the question of Ground Water by stating that "Some rights are capable of being granted by holders of the same or higher rights and some only by the State. Even the State, having regard to the doctrine of "public trust", may not have any power to grant any right in relation to certain matters e.g. deep underground water" and "Deep underground water belongs to the State in the sense that the doctrine of public trust extends thereto." Consequently, the State and its institutions are accountable to the public for the protection of Ground Water. The Judgment also noted the power to regulate and control mines and minerals is in the hands of the union, but noted that reasonable tax or fee levied by a state could not be construed as trenching upon the union's power. The Judgment also noted the power to regulate and control mines and minerals is in the hands of the union, but noted that reasonable tax or fee levied by a state could not be construed as trenching upon the union's power.

50. In the case of ***Bheemagari Bhaskar and Others Vs. Revenue Divisional Officer, reported in 2002 (1) ALT 159***, in which it was held that "The pattadars had no right as such over minor mineral like sand unless they obtain the proper permits, even if the sand was deposited on their land."

51. In the case of ***Centre For Public Interest Litigation and others Vs. Union of India and others, reported in 2012 3 SCC 1***, the Apex Court held that "While distributing natural resources, the State is bound to act in consonance with the principles of equality and public trust and ensuring that no action is taken, which may be detrimental to the public interest."

52. The Apex Court in the case of ***State(NCT of Delhi) Vs. Sanjay, reported in 2014 9 SCC 772***, held that "the natural resources are the public property and national assets". It stated that "It stated that public trust extends to natural resources, and that there should be a balance between natural resources and urban development. "

53. The judgment also cited in the case of ***M.Palanisamy Vs. The State of Tamil Nadu, reported in 2012 (4) CTC 1***, where the constitutionality of amended provisions of the Tamil Nadu Mines and Minerals Concessions Rules, 1959 were challenged. The amended provisions related to preventing and

restricting illegal mining, transportation and storage of minerals. Upholding the vires of the rules, the Hon'ble Madras High Court noted the dangers of mining and the impact on the environment. It observed that sand mining affected adjoining groundwater systems and the uses that local people make of the river.

54. Thus, it may be observed that any action that threatens the environment or public safety cannot be considered a right that takes precedence over fundamental and constitutional rights. Further, through the public trust doctrine, the state has a duty to use Ground Water, which is a natural resource in a manner that benefits the public at large.

55. In the case of ***M.C.Mehta Vs. Kamal Nath and Others, reported in (1997) 1 SCC 388***, the Hon'ble Supreme Court in unequivocal terms held as follows:

"23. The notion that the public has a right to expect certain lands and natural areas to retain their natural characteristic is finding its way into the law of the land. The need to protect the environment and ecology has been summed up by David B. Hunter (University of Michigan) in an article titled An ecological perspective on property : A call for judicial protection of the public's interest in environmentally critical resources published in Harvard Environmental Law Review, Vol. 12 1988, p. 311 is in the following words:

"Another major ecological tenet is that the world is finite. The earth can support only so many people and only so much human

activity before limits are reached. This lesson was driven home by the oil crisis of the 1970s as well as by the pesticide scare of the 1960s. The current deterioration of the ozone layer is another vivid example of the complex, unpredictable and potentially catastrophic effects posed by our disregard of the environmental limits to economic growth. The absolute finiteness of the environment, when coupled with human dependency on the environment, leads to the unquestionable result that human activities will at some point be constrained.

'[H]uman activity finds in the natural world its external limits. In short, the environment imposes constraints on our freedom; these constraints are not the product of value choices but of the scientific imperative of the environment's limitations. Reliance on improving technology can delay temporarily, but not forever, the inevitable constraints. There is a limit to the capacity of the environment to service ... growth, both in providing raw materials and in assimilating by-product wastes due to consumption. The largesse of technology can only postpone or disguise the inevitable.'

Professor Barbara Ward has written of this ecological imperative in particularly vivid language:

'We can forget moral imperatives. But today the morals of respect and care and modesty come to us in a form we cannot evade. We cannot cheat on DNA. We cannot get round photosynthesis. We cannot say I am not going to give a damn about phytoplankton. All these tiny mechanisms provide the preconditions of our planetary life. To say we do not care is to say in the most literal sense that "we choose death".'

There is a commonly-recognized link between laws and social values, but to ecologists a balance between laws and values is not alone sufficient to ensure a stable relationship between humans and their environment. Laws and values must also contend with the constraints imposed by the outside environment. Unfortunately, current legal doctrine rarely accounts for such constraints, and thus environmental stability is threatened.

Historically, we have changed the environment to fit our conceptions of property. We have fenced, plowed and paved. The environment has proven malleable and to a large extent still is. But there is a limit to this malleability, and certain types of ecologically important resources — for example, wetlands and riparian forests — can no longer be destroyed without enormous long-term effects on environmental and therefore social stability. To ecologists, the need for preserving sensitive resources does not reflect value choices but rather is the necessary result of objective observations of the laws of nature.

In sum, ecologists view the environmental sciences as providing us with certain laws of nature. These laws, just like our own laws, restrict our freedom of conduct and choice. Unlike our laws, the laws of nature cannot be changed by legislative fiat; they are imposed on us by the natural world. An understanding of the laws of nature must therefore inform all of our social institutions."

24. *The ancient Roman Empire developed a legal theory known as the "Doctrine of the Public Trust". It was founded on the ideas that certain common properties such as rivers, seashore, forests and the air were held by Government in trusteeship for the free and unimpeded use of the general public. Our contemporary*

concern about "the environment" bear a very close conceptual relationship to this legal doctrine. Under the Roman law these resources were either owned by no one (*res nullius*) or by every one in common (*res communis*). Under the English common law, however, the Sovereign could own these resources but the ownership was limited in nature, the Crown could not grant these properties to private owners if the effect was to interfere with the public interests in navigation or fishing. Resources that were suitable for these uses were deemed to be held in trust by the Crown for the benefit of the public. Joseph L. Sax, Professor of Law, University of Michigan — proponent of the Modern Public Trust Doctrine — in an erudite article "Public Trust Doctrine in Natural Resource Law : Effective Judicial Intervention", *Michigan Law Review*, Vol. 68, Part 1 p. 473, has given the historical background of the Public Trust Doctrine as under:

"The source of modern public trust law is found in a concept that received much attention in Roman and English law — the nature of property rights in rivers, the sea, and the seashore. That history has been given considerable attention in the legal literature, need not be repeated in detail here. But two points should be emphasized. First, certain interests, such as navigation and fishing, were sought to be preserved for the benefit of the public; accordingly, property used for those purposes was distinguished from general public property which the sovereign could routinely grant to private owners. Second, while it was understood that in certain common properties — such as the seashore, highways, and running water — 'perpetual use was dedicated to the public', it has never been clear whether the public had an enforceable right to prevent infringement of those

interests. Although the State apparently did protect public uses, no evidence is available that public rights could be legally asserted against a recalcitrant government."

25. *The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. According to Professor Sax the Public Trust Doctrine imposes the following restrictions on governmental authority:*

"Three types of restrictions on governmental authority are often thought to be imposed by the public trust: first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third the property must be maintained for particular types of uses."

33. *It is no doubt correct that the public trust doctrine under the English common law extended only to certain traditional uses such as navigation, commerce and fishing. But the American Courts in recent cases have expanded the concept of the public trust doctrine. The observations of the Supreme Court of California in Mono Lake case [33 Cal 3d 419] clearly show the*

judicial concern in protecting all ecologically important lands, for example fresh water, wetlands or riparian forests. The observations of the Court in Mono Lake case [33 Cal 3d 419] to the effect that the protection of ecological values is among the purposes of public trust, may give rise to an argument that the ecology and the environment protection is a relevant factor to determine which lands, waters or airs are protected by the public trust doctrine. The Courts in United States are finally beginning to adopt this reasoning and are expanding the public trust to encompass new types of lands and waters. In Phillips Petroleum Co. v. Mississippi [108 SCt 791 (1988)] the United States Supreme Court upheld Mississippi's extension of public trust doctrine to lands underlying non-navigable tidal areas. The majority judgment adopted ecological concepts to determine which lands can be considered tide lands. Phillips Petroleum case [108 SCt 791 (1988)] assumes importance because the Supreme Court expanded the public trust doctrine to identify the tide lands not on commercial considerations but on ecological concepts. We see no reason why the public trust doctrine should not be expanded to include all ecosystems operating in our natural resources.

34. *Our legal system — based on English common law — includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.*

39. *We, therefore, order and direct as under:*

- 1. The public trust doctrine, as discussed by us in this judgment is a part of the law of the land.*
- 2. The prior approval granted by the Government of India, Ministry of Environment and Forest by the letter dated 24-11-1993 and the lease deed dated 11-4-1994 in favour of the Motel are quashed. The lease granted to the Motel by the said lease deed in respect of 27 bighas and 12 biswas of area, is cancelled and set aside. The Himachal Pradesh Government shall take over the area and restore it to its original-natural conditions.*
- 3. The Motel shall pay compensation by way of cost for the restitution of the environment and ecology of the area. The pollution caused by various constructions made by the Motel in the riverbed and the banks of River Beas has to be removed and reversed. We direct NEERI through its Director to inspect the area, if necessary, and give an assessment of the cost which is likely to be incurred for reversing the damage caused by the Motel to the environment and ecology of the area. NEERI may take into consideration the report by the Board in this respect.*
- 4. The Motel through its Management shall show cause why pollution fine in addition be not imposed on the Motel.*
- 5. The Motel shall construct a boundary wall at a distance of not more than 4 metres from the cluster of rooms (main building of the Motel) towards the river basin. The boundary wall shall be on the area of the Motel which is covered by the lease dated 29-9-1981. The Motel shall not encroach/cover/utilise any part of the river basin. The boundary wall shall separate the Motel building*

from the river basin. The river bank and the river basin shall be left open for the public use.

6. The Motel shall not discharge untreated effluents into the river. We direct the Himachal Pradesh Pollution Control Board to inspect the pollution control devices/treatment plants set up by the Motel. If the effluent/waste discharged by the Motel is not conforming to the prescribed standards, action in accordance with law be taken against the Motel.

7. The Himachal Pradesh Pollution Control Board shall not permit the discharge of untreated effluent into River Beas. The Board shall inspect all the hotels/institutions/factories in Kullu-Manali area and in case any of them are discharging untreated effluent/waste into the river, the Board shall take action in accordance with law.

8. The Motel shall show cause on 18-12-1996 why pollution fine and damages be not imposed as directed by us. NEERI shall send its report by 17-12-1996. To be listed on 18-12-1996.

56. In the case of **State of West Bengal Vs. Kesoram Industries Ltd., reported in 2004 10 SCC 201**, the Hon'ble Supreme Court of India, made the following observations:

"Mineral-bearing land vis-à-vis general rights over land

383. Land may consist of several rights. The surface of the land may be in actual possession of an occupier who has no right or under-raiyat or raiyat or a person having only a right to cultivate thereupon. However, holders of such right ordinarily would not have any right over minerals. Even if a mineral is found on the surface, they must collect the same and keep it at the corner of the

land so that the same may be taken away by the owner thereof, which in a case of mining lease, would be mining lessee.

385. *Bheemagari Bhaskar v. Revenue Divisional Officer [(2002) 1 An LT 159]* is another instance where a question arose as regards sand deposited on the land of the pattadars and claimed by them in terms of the provisions of the Andhra Pradesh Estates (Abolition and Conversion into Ryotwari) Act, 1948. Such a claim was rejected by the Andhra Pradesh High Court referring to *Jagdish Chandra Deo Dhabal Deb v. Kanai Lal Nandi [AIR 1951 Pat 525]*, *Kusum Kamini Debya v. Jagdish Chandra Deo Dhabal Deb [AIR 1941 Pat 13 : ILR 20 Pat 96]* and *Purnendu Narayan Singh v. Narendra Nath Chakravarty [AIR 1943 Pat 31]* holding sand being a minor mineral, the agriculturists have no right thereover. It was further held that grant of lease in respect of the said minor mineral can be granted by the State and in terms of the 1957 Act and the Rules framed thereunder.

386. *Some rights are capable of being granted by holders of the same or higher rights and some only by the State. Even the State, having regard to the doctrine of "public trust", may not have any power to grant any right in relation to certain matters e.g. deep underground water.*

387. *Deep underground water belongs to the State in the sense that the doctrine of public trust extends thereto. Holder of a land may have only a right of user and cannot take any action or do any deeds as a result whereof the right of others is affected. Even the right of user is confined to the purpose for which the land*

is held by him and not for any other purpose. Even in relation to such matters, no prescriptive right under Section 25 of the Limitation Act would be attracted. Further, even by reason of Section 25 of the Limitation Act, a person must exercise an easementary right without interruption for a period of 30 years in relation to air, way or watercourse or the use of any water or any other easement by enjoying it peaceably and openly as an easement and as of right. Then only such exercise of right to airway, watercourse, use of water or other easement becomes absolute and indefeasible.

388. *A person who holds land for agricultural purpose may, therefore, subject to any reasonable restriction that may be made by the State, have the right to use water for irrigational purposes and for the said purpose he may also excavate a tank. But under no circumstances, can he be permitted to restrict flow of water to the neighbouring lands or discharge effluents in such a manner so as to affect the right of his neighbour to use water for his own purposes. On the same analogy he does not have any right to contaminate the water to cause damage to the holders of neighbouring agricultural fields. Large-scale defoulment in the quality of water so as to make it unusable by others or as a result whereof the water is contaminated and becomes unpotable would be violative of Article 21 of the Constitution. In M.C. Mehtav. Kamal Nath [(1997) 1 SCC 388] this Court has quoted with approval an article entitled "Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention" of Joseph L. Sax, Professor of Law, University of Michigan."*

57. In the case of ***State(NCT of Delhi) Vs. Sanjay, reported in 2014***

9 SCC 772, the Hon'ble Supreme Court of India observed as follows:

"37. *In Centre for Public Interest Litigation v. Union of India [(2012) 3 SCC 1] , this Court, while observing that the natural resources are the public property and national assets, held as under: (SCC p. 53, para 75)*

"75. The State is empowered to distribute natural resources. However, as they constitute public property/national asset, while distributing natural resources the State is bound to act in consonance with the principles of equality and public trust and ensure that no action is taken which may be detrimental to public interest. Like any other State action, constitutionalism must be reflected at every stage of the distribution of natural resources. In Article 39(b) of the Constitution it has been provided that the ownership and control of the material resources of the community should be so distributed so as to best subserve the common good, but no comprehensive legislation has been enacted to generally define natural resources and a framework for their protection. Of course, environment laws enacted by Parliament and State Legislatures deal with specific natural resources i.e. forest, air, water, coastal zones, etc."

38. *In M.C. Mehta v. Kamal Nath [(1997) 1 SCC 388] , this Court while considering the doctrine of public trust which extends to natural resources observed as under: (SCC pp. 407-08 & 413, paras 24-25 & 34)*

"24. The ancient Roman Empire developed a legal theory known as the 'Doctrine of the Public Trust'. It was founded on the ideas that certain common properties such as rivers, seashore, forests and the

air were held by Government in trusteeship for the free and unimpeded use of the general public. Our contemporary concern about 'the environment' bear a very close conceptual relationship to this legal doctrine. Under the Roman law these resources were either owned by no one (res nullius) or by everyone in common (res communis). Under the English common law, however, the Sovereign could own these resources but the ownership was limited in nature, the Crown could not grant these properties to private owners if the effect was to interfere with the public interests in navigation or fishing. Resources that were suitable for these uses were deemed to be held in trust by the Crown for the benefit of the public. Joseph L. Sax, Professor of Law, University of Michigan—proponent of the Modern Public Trust Doctrine—in an erudite article 'Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention', Michigan Law Review, Vol. 68, Part 1, p. 473, has given the historical background of the Public Trust Doctrine as under:

'The source of modern public trust law is found in a concept that received much attention in Roman and English law—the nature of property rights in rivers, the sea, and the seashore. That history has been given considerable attention in the legal literature and need not be repeated in detail here. But two points should be emphasised. First, certain interests, such as navigation and fishing, were sought to be preserved for the benefit of the public; accordingly, property used for those purposes was distinguished from general public property which the sovereign could routinely grant to private owners. Second, while it was understood that in certain common properties—such as the seashore, highways and running water—"perpetual use was dedicated to the public", it has

never been clear whether the public had an enforceable right to prevent infringement of those interests. Although the State apparently did protect public uses, no evidence is available that public rights could be legally asserted against a recalcitrant government.'

25. The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. According to Professor Sax the Public Trust Doctrine imposes the following restrictions on governmental authority:

'Three types of restrictions on governmental authority are often thought to be imposed by the public trust: first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third the property must be maintained for particular types of uses.'

34. Our legal system—based on English common law—includes the Public Trust Doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the seashore, running waters, air, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural

resources. These resources meant for public use cannot be converted into private ownership."

39. *In Intellectuals Forum v. State of A.P. [(2006) 3 SCC 549] , this Court while balancing the conservation of natural resources vis-à-vis urban development observed as under: (SCC p. 572, para 67)*

"67. The responsibility of the State to protect the environment is now a well-accepted notion in all countries. It is this notion that, in international law, gave rise to the principle of 'State responsibility' for pollution emanating within one's own territories (Corfu Channel case [Corfu Channel case (United Kingdom v. Albania), 1949 ICJ Rep 4]). This responsibility is clearly enunciated in the United Nations Conference on the Human Environment, Stockholm 1972 (Stockholm Convention), to which India was a party. The relevant clause of this declaration in the present context is para 2, which states:

'The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or Management, as appropriate.'

Thus, there is no doubt about the fact that there is a responsibility bestowed upon the Government to protect and preserve the tanks, which are an important part of the environment of the area."

58. In the case of **Centre For Public Interest Litigation and others Vs. Union of India and others, reported in 2012 3 SCC 1**, the Hon'ble

Supreme Court of India observed in paragraphs 74, 75, 76, 78, 79, 80, 81 and the same are extracted hereunder:

Question 1

74. At the outset, we consider it proper to observe that even though there is no universally accepted definition of natural resources, they are generally understood as elements having intrinsic utility to mankind. They may be renewable or non-renewable. They are thought of as the individual elements of the natural environment that provide economic and social services to human society and are considered valuable in their relatively unmodified, natural form. A natural resource's value rests in the amount of the material available and the demand for it. The latter is determined by its usefulness to production. Natural resources belong to the people but the State legally owns them on behalf of its people and from that point of view natural resources are considered as national assets, more so because the State benefits immensely from their value.

75. The State is empowered to distribute natural resources. However, as they constitute public property/national asset, while distributing natural resources the State is bound to act in consonance with the principles of equality and public trust and ensure that no action is taken which may be detrimental to public interest. Like any other State action, constitutionalism must be reflected at every stage of the distribution of natural resources. In Article 39(b) of the Constitution it has been provided that the ownership and control of the material resources of the community should be so distributed so as to best subserve the common good, but no comprehensive legislation has been enacted to generally

define natural resources and a framework for their protection. Of course, environment laws enacted by Parliament and State Legislatures deal with specific natural resources i.e. forest, air, water, coastal zones, etc.

76. *The ownership regime relating to natural resources can also be ascertained from international conventions and customary international law, common law and national constitutions. In international law, it rests upon the concept of sovereignty and seeks to respect the principle of permanent sovereignty (of peoples and nations) over (their) natural resources as asserted in the 17th Session of the United Nations General Assembly and then affirmed as a customary international norm by the International Court of Justice in the case of Democratic Republic of Congo v. Uganda [Ed.: Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), ICJ Reports 2005, p. 168.] . Common law recognises States as having the authority to protect natural resources insofar as the resources are within the interests of the general public. The State is deemed to have a proprietary interest in natural resources and must act as guardian and trustee in relation to the same. Constitutions across the world focus on establishing natural resources as owned by, and for the benefit of, the country. In most instances where constitutions specifically address ownership of natural resources, the sovereign State, or, as it is more commonly expressed, "the People", is designated as the owner of the natural resources.*

78. *In India, the courts have given an expansive interpretation to the concept of natural resources and have from*

time to time issued directions, by relying upon the provisions contained in Articles 38, 39, 48, 48-A and 51-A(g) for protection and proper allocation/distribution of natural resources and have repeatedly insisted on compliance with the constitutional principles in the process of distribution, transfer and alienation to private persons.

79. *The doctrine of public trust, which was evolved in Illinois Central Railroad Co.v. People of the State of Illinois [36 L Ed 1018 : 146 US 387 (1892)] , has been held by this Court to be a part of the Indian jurisprudence in M.C. Mehta v. Kamal Nath[(1997) 1 SCC 388] and has been applied in Jamshed Hormusji Wadia v. Port of Mumbai [(2004) 3 SCC 214] , Intellectuals Forum v. State of A.P. [(2006) 3 SCC 549] and Fomento Resorts and Hotels Ltd. v. Minguel Martins [(2009) 3 SCC 571 : (2009) 1 SCC (Civ) 877] .*

80. *In Jamshed Hormusji Wadia case [(2004) 3 SCC 214] , this Court held that the State's actions and the actions of its agencies/instrumentalities must be for the public good, achieving the objects for which they exist and should not be arbitrary or capricious. In the field of contracts, the State and its instrumentalities should design their activities in a manner which would ensure competition and non-discrimination. They can augment their resources but the object should be to serve the public cause and to do public good by resorting to fair and reasonable methods.*

81. In *Fomento Resorts and Hotels Ltd. case* [(2009) 3 SCC 571 : (2009) 1 SCC (Civ) 877], the Court referred to the article of Prof. Joseph L. Sax and made the following observations: (SCC pp. 614-15, paras 53-55)

"53. The public trust doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. This doctrine puts an implicit embargo on the right of the State to transfer public properties to private party if such transfer affects public interest, mandates affirmative State action for effective Management of natural resources and empowers the citizens to question ineffective Management thereof.

54. The heart of the public trust doctrine is that it imposes limits and obligations upon government agencies and their administrators on behalf of all the people and especially future generations. For example, renewable and non-renewable resources, associated uses, ecological values or objects in which the public has a special interest (i.e. public lands, waters, etc.) are held subject to the duty of the State not to impair such resources, uses or values, even if private interests are involved. The same obligations apply to managers of forests, monuments, parks, the public domain and other public assets. Professor Joseph L. Sax in his classic article, 'The Public Trust Doctrine in Natural Resources Law: Effective Judicial Intervention' (1970) [*Ed.*: 68 MICH L REV 471 (1970)] , indicates that the public trust doctrine, of all concepts known to law, constitutes the best practical and philosophical premise and legal tool for protecting public rights and for protecting and managing resources, ecological values or objects held in trust.

55. The public trust doctrine is a tool for exerting long-established public rights over short-term public rights and private gain. Today every person exercising his or her right to use the air, water, or land and associated natural ecosystems has the obligation to secure for the rest of us the right to live or otherwise use that same resource or property for the long-term and enjoyment by future generations. To say it another way, a landowner or lessee and a water right holder has an obligation to use such resources in a manner as not to impair or diminish the people's rights and the people's long-term interest in that property or resource, including down slope lands, waters and resources."

59. In the case of ***M.Palanisamy Vs. The State of Tamil Nadu***, reported in **2012 (4) CTC 1**, paragraphs 26 and 27 are extracted hereunder:

"26. There cannot be any two opinions that natural resources are the assets of the nation and its citizens. It is the obligation of all concerned, including the Central and the State Governments, to conserve and not waste such valuable resources. Article 48-A of the Constitution requires that the State shall endeavour to protect and improve the environment and safeguard the forests and wild life of the country. Similarly, Article 51-A enjoins a duty upon every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for all the living creatures.

27. In view of the Constitutional provisions, the Doctrine of Public Trust has become the law of the land. The said doctrine rests on the principle that certain resources like air, sea, waters and forests are of such great importance to the people as a whole

that it would be highly unjustifiable to make them a subject of private ownership."

60. This Court is of an undoubted opinion that, having regard to the provisions of Article 21 of the Constitution of India, there cannot be any doubt that right to get clean Drinking Water is an integral part of Article 21 of the Constitution of India and it is a fundamental right. Ecology and Environmental aspects are to be maintained. Withdrawal of Ground Water is to be permitted only by way of Regulation and the same is to be monitored carefully and the State must ensure that no damage is caused to the Environment and Ecology and other related issues. Ecology and Environment has a predominant role to play. Thus, regulating the Extraction of Ground Water is of paramount importance.

61. Article 48-A of the Constitution of India, reads thus: Protection and improvement of environment and safeguarding of forests and wildlife:- "The State shall endeavor to protect and improve and to safeguard the forests and wild life of the country."

62. In the case of ***T. Damodhar Rao Vs. Special Officer, Municipal Corporation***, relying on 'Rascoc Pound' and Stockholm Declaration as well as Article 48-A of the Constitution, Justice P.A. Choudary, held as follows:

"From the above it is clear that protection of the environment is not only the duty of the citizen but it is also the

obligation of the State and all other State organs including the Courts. In that extent, environmental law has succeeded in unshackling man's right to life and personal liberty from the clutches of common law theory of individual ownership, Examining the matter from the above constitutional point of view, it would be reasonable to hold that the enjoyment of life and its attainment and fulfilment guaranteed by Article 21 of the Constitution embraces the protection and preservation of nature's gift without which life cannot be enjoyed. There can be no person who practice of violent extinguishments of life alone should be regarded as violative of Article 21 of the Constitution. The slow poisoning by the polluted atmosphere caused by environmental pollution and spoliation should also be regarded as amounting violation of Article 21 of the Constitution."

63. Water, which is essential for the very existence of human living in this globe is the gift of nature and every human being has a share in it and the agriculturists who are the backbone of this country and who are by virtue of their profession placed at high pedestal cannot be deprived of their legitimate right to have a share in it for the use of irrigation. The Extraction of Groundwater thus required to be protected and regulated by a scheme to be evolved by the State. The State being a welfare state is bound to issue such Regulations to control and regulate the withdrawal of Ground Water by the individual persons, more specifically, for commercial purposes. In view of the principles settled by the Apex Court of India, this Court is of a considered opinion that there is no infirmity or otherwise in respect of the issuance of Regulation for monitoring the

Ground Water Management and to control the Extraction of Ground Water by the individuals, specifically for commercial purposes.

64. It is brought to the notice of this Court that the National Green Tribunal, Chennai also periodically issued certain orders in order to prevent exploitation of Ground Water. In order dated 29.01.2016, the National Green Tribunal, Southern Zone, Chennai passed the following orders:

"4. This order shall continue and be subject to the disposal of the order of the Hon'ble High Court of Madras in the Writ Proceedings whereby the G.O.Ms.No.142 dated 23.07.2014 is being challenged.

5. A direction is issued to the Chairman of the Board to cause circulation of the copies of this order to all the DEE's in the State with a specific direction that they shall monitor and ensure strict compliance of the conditions imposed on the units in respect of all the categories and to initiate action if any violation is noticed as required in law. It is also made clear that if an when any lapse on the part of the officials of the Board is brought to its notice, the Tribunal will not hesitate to initiate appropriate action against those officials found violating the order as envisaged under the enactment.

6. The Main Application No.40 of 2013(SZ) and all the pending applications and appeals connected to the Main Application and also the M.A.'s and R.A's are disposed of accordingly. However, there is no order as to costs."

65.It is brought to the notice of this Court that such orders are passed periodically, in view of the fact that there is no effective Mechanism in force to control the Ground Water Extraction by the individuals for commercial purposes and to monitor the same.

66.When this Court raised a question with the learned Advocate General, What is the Mechanism provided by the State in respect of the implementation of the Regulations now issued in G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014? The Answer is negative. The State is unable to establish that an effective Mechanism is provided for strict implementation of the Regulations.

67.The learned Advocate General except by stating that the Assistant Director, Geology, is the authority to monitor the activities of these private players in respect of Extraction of Ground Water. Thus, this Court has to consider for an effective implementation of the Regulations till the legislations are enacted, covering the entire field of Extraction of Ground Water, which is a National property.

68.The petitioners, who all are the Commercial business people, have no right in respect of the Ground Water, which belongs to our Great Nation, and a National assets. Therefore, the writ petitioners cannot claim Extraction of Ground Water as a matter of legal right. As settled by the Apex Court that possession of

a land will not confer any legal right for the owners to extract mines and minerals or water from the Earth. Even the sand in this regard cannot be removed without proper license and permission from the authorities concerned.

69. At the outset, Extraction of Ground Water cannot be claimed as a matter of legal right by the writ petitioners. Then the question arises, in the absence of any such legal right, What would be the relief, which can be considered in these batch of writ petitions? The learned counsels appearing on behalf of the writ petitioners contended that the State is not monitoring the Ground Water level periodically, enabling them to fix the categorization. The categorization of over exploited, critical, semi-critical, and safe blocks are to be assessed periodically, depending on the increase or decrease of water levels in the ground. In the absence of any such monitoring periodically, the "State" has no authority to impose a ban for Extraction of Ground Water by the petitioners' Commercial organizations.

70. This Court is of an opinion that the petitioners in the absence of establishing any legal right cannot have any say in respect of such categorization or in respect of the assessment to be made by the State for the purpose of regulating the Ground Water Level. Undoubtedly, the State is also bound to act reasonably and in accordance with the constitutional principles and perspectives. Such Regulations are issued in order to control the Ground Water Extraction by

these Private players. Exploitation of Ground Water had gone to such an extent, more specifically, by the Commercial sectors. The State is bound to impose restrictions and regulate the same in the interests of public at large and to protect the Environment and the water resources for the benefit of the people of our great Nation.

71. Various Clauses are provided in the impugned order. Beyond the categorization of the area, Clause II of the impugned Regulations speaks about No Objection Certificate, which is required for drawal and transportation of Ground Water. Clause III provides Non Permissible Categories, which reads as follows:

“(1) Drawal and transportation of Ground Water for Water based industries (i.e., those industries which use water as raw material) is not permitted from Critical and Over-exploited Blocks. Hence, water based industries are not eligible to get No Objection Certificate in Over-exploited and Critical Blocks.

(2) Highly Polluting Industries(14 types -as categorised by the Tamil Nadu Pollution Control Board) are not eligible to extract Ground Water within 5km radius from Cauvery, Pennaiyar, Palar, Vaigai, Thamiraparani and all the major rivers and tributaries as specified vide G.O.Ms.No.213, Environment & Forest(EC-I) Department dated 30.03.89.”

In the above said impugned order, Conditions for Processing of Application Forms and the General Conditions are also provided in Clause V and Clause VI.

72. It is brought to the notice of this Court by the learned Advocate General that the Government issued G.O.Ms.No.113, Public Works (R2) Department dated 09.06.2016, which provides Estimation of Ground Water Resources of Tamil Nadu as on March 2011 and Categorization of Firkas as Over Exploited, Critical, Semi-Critical, Safe and Saline for Ground Water Development in Tamil Nadu. The said Government Order states that "the National as well as the State Water Policies have emphasized periodic assessment of the Ground Water resources. So far, the assessment had been done once in five years. The time gap between two consecutive assessments has been reduced to two years and the scenario on the Resource Potential and categorization have also been changed since then. Further, right from the beginning, the Development Block was taken as the Unit for assessment based on which, all the Blocks were categorized. Nearly, more than 45% of the areas in the State fall under Over Exploited and Critical Blocks which require prohibition / Regulation of further Ground Water Extraction in the Blocks. Thus, it is made clear that the State is assessing the Ground Water Resources periodically. When such periodical assessments are made, accordingly, the Regulations are to be formulated in order to grant permission / No Objection Certificate(NOC) to extract the Ground Water for commercial purposes.

73. Though the model Ground Water (Sustainable Management) Act, 2016 was proposed, there is no legislation in existence to cover the issues comprehensively. It is the duty of the State to enact law in this field in order to protect the Environment, Ecology and Water Resources, so as to meet out the constitutional principles and requirements. Enacting a Comprehensive Act is imminent as the exploitation of Ground Water is almost in peak as of now. Like the sand smuggling, now the Ground Water smuggling also have been considerably increased. The ground waters are extracted by few individuals for commercial purposes, which infringes the rights of all other citizen. Water is life. Without water, there is no survival for the living creatures in this world. Water is common for the entire mankind. Thus, protection of the Ground Water is of paramount duty on the part of the State and in the interest of the public at large and is warranted under the Constitution. In the absence of enacting any comprehensive law in the field of Extraction of ground waters for commercial purposes, it would be a dangerous one for the future generation and to maintain stability of the land in the ground. Thus, the field occupies more importance on account of the exploitation of Ground Water by Private individuals for commercial purposes. As Sand Smuggling causes damage to the water resources, Extraction of Ground Water will also cause more damage for the human living as well as the living creatures in this world.

74. Article 21 of the Constitution of India guarantees not only life to the human beings, but also to the Animals. The Animals also have Right to Life. Its Right to Life is also protected under various statutes. Thus, providing of water to all living creatures in our Great Nation is an integral part of Article 21 of the Constitution of India and therefore, the Water Management and the Extraction of Ground Water by the private individuals for commercial purposes are to be certainly controlled and regulated for protection of Environment, Ecology and for the protection of the lives.

75. Article 51 A(g) of the Constitution of India, while enumerating the fundamental duties of the citizen speaks that " to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures." Thus, it is the duty of every citizen to protect and improve the natural Environment including Lakes and Rivers and to have compassion for living creatures. This Court is of an opinion that a person, who is having a compassion for living creatures will not extract Ground Water contrary to the Regulations, affecting the constitutional rights of all other citizen in general. The Extraction of Ground Water in violation of the Regulations will certainly cause infringement of rights to all other persons. Thus, the duty cast upon every citizen by the Constitution to protect Environment, Lakes and Rivers, which includes water and water resources.

76.This being the constitutional principles, every citizen is duty bound to adopt the same in the interests of our Great Nation and for the better living of the humans as well as other living creatures in our Country.

77.Though the Government has issued Regulations in G.O.(Ms).No.142, Public Works (R2) Department dated 23.07.2014, there is no Mechanism to implement the Regulations in its strict sense. There is no provision to deal with the violators. There is no adequate provision to prosecute the violators. The Ground Water Extraction, without proper license or permission is certainly an offence. The Ground Water belongs to the Nation and belongs to the citizen of this Great Nation. Every citizen of this Great Nation has got a right to get clean water. Thus, the water is the National property and any illegal Extraction of Ground Water is undoubtedly an offence and appropriate prosecution of the offenders are to be initiated. In the event of allowing such private individuals to extract Ground Water for commercial purposes, the same will infringe the constitutional rights of all other citizens in general. When an offence is committed against the society at large, then the State is bound to initiate prosecution against all such offenders in order to try them in accordance with law.

78.As discussed above, Extraction of Ground Water for commercial purposes are certainly an offence and so far, the State has not treated this as a criminal offence and therefore, the exploitations are mounting to such an extent, the same causes irreparable damage to the Environment, water resources and more specifically, the stability of the land as a Global concept.

79.It is a common sense in the event of over Extraction of Mines, Minerals, Water and other natural resources from the Earth, the same will cause instability and dangerous position in the Globe. For every Extraction of natural resources, there must be a limit. Greediness of the men are limitless. Men are greedy to such an extent that they are not satisfied even after earning for more than 10 generations. However, it cannot be at the cost of the existence of the Globe or the existence of the mankind and all other living creatures in the World. Thus, it is a constitutional duty on the part of the State to ensure that all such Mines, Minerals, Water, Sand and other natural resources are protected and regulated, so as to prevent such irreparable damage caused. Undoubtedly, greedy men are destroying the Mountain, Over Extraction of Sand and Water. The consequences are not even sensitized to the people of this Great Nation. When the Constitutional principles and Ethos are reiterating that the "State" is bound to protect the Environment, Ecology, Water resources and natural resources, this Court is of an opinion that the State has failed in its duty to

implement an effective Mechanism, so as to protect all these natural resources from few greedy men, who all are aspiring for unlawful enrichment for their personal gains. Thus, the State cannot wait no more and the Courts are also duty bound to insist the State to bring out an effective Mechanism, so as to protect the natural resources including water.

80. Water is life. Life is Water. Without water, no life. Already people of the State of Tamil Nadu are frequently facing droughts. We are not having adequate procedures and protections to save water. The water resources are encroached to such an extent that the State is unable to revive all those Ponds, Lakes and other water resources. Thus, water resources have already been converted as concrete jungles. Thus, it is a high time that the State should open its eyes and realize the situation in order to initiate effective steps to protect the mankind and the Earth. Nature gave us these resources for better living and not certainly for unlawful gains and unlawful enrichment for few individuals. Nature provides these resources for the happy living of the human mankind and all other living creatures. We are entitled to enjoy these resources for our livelihood and certainly not for unlawful enrichment.

81. Undoubtedly, providing clean and pure water to the citizen of our Great Nation is one of the constitutional perspectives. State has got an obligation to provide clean water to the citizen. During the process of providing a clean water,

now the private players are permitted to purify the water and supply the same to the people at large. While marketing such clean water, the State is bound to regulate the same by adopting a pragmatic and balancing approach. On account of the business competition, these private players cannot be allowed to over extract the Ground Water for their personal gains. Commercialization of water business is inevitable on account of the need of the people. However, such commercialization of water must be regulated and restricted, so as to ensure that the Environment, Ecology, water resources and land stability in the Earth are protected without any compromise. Thus, in between these lines, the State is bound to act with sensitiveness. Any insensitiveness in this regard would result failure on the part of the State to fulfill the constitutional Philosophies and Ethos and also will cause irreparable loss and damage to the Earth as a whole.

82. One may think that Extraction of Ground Water to such an extent will not cause any damage on account of rainfall and other aspects. Research in this regard are not saying so. Researches conducted in these aspects are alarming and scientists are frequently issuing warnings to the Government that in the event of any failure in this regard, there will be dangerous consequences in future. We have no authority to destroy the nature. Nature is meant for the entire mankind and it is for the enjoyment and peaceful living of all the living creatures as well as the Plants, Trees, etc., in the world. This being the phenomenon to be realized by all concerned, this Court is of a firm opinion that

any over Extraction of water has to be dealt with iron heart and without any leniency and in the interests of the entire mankind.

Extraction of Water for Commercial usage as an offence under the Indian Penal Code (IPC):-

83. In this context, this Court has to now consider, whether Extraction of Ground Water can be brought under the offences described in any one of the provisions in the Indian Penal Code (IPC). Curiously, this Court had gone into those aspects and Mr. C. Emalias, learned Public Prosecutor, assisted the Court in this regard by producing some of the judgments. When this Court, at the first instance, raised a question with the learned Advocate General that Extraction of Ground Water without proper licence or permission in accordance with the regulations, are to be construed as "theft" and in this context, this Court has sought for the assistance of the learned Public Prosecutor.

84. The learned Public Prosecutor cited the judgment of the Allahabad High Court in the case of ***Gajadhar, Applicant Vs. State, Opposite Party, reported in 1971 CRI LJ 1361(V 77 C 392)*** and the relevant paragraphs are extracted hereunder:

"8. *In the instant case, applicant took out the deed of agreement from a box kept in the outer sitting room of Chandra Shekhar and tried to run away with it. His intention in doing so was*

to cause wrongful gain to his brother Moti Lal, so that Banshidhar may not be able to rely on the agreement in order to escape his liability from the claim lodged against him by Moti Lal. It is thus obvious that applicant did intend not only to cause wrongful loss to Banshidhar but also to obtain wrongful gain to himself at his expense. Section 425 of the Indian Penal Code reads:—

1. "Whether with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits 'mischief'."

13. It is obvious that in the instant case all the ingredients of Section 378 of the Indian Penal Code are present. The deed of agreement was removed by the applicant with dishonest intention to get his claim for money against Banshidhar decreed and thereby causing wrongful gain to himself. It is not a case where the document has been mutilated only with a view to cause wrongful loss to Banshidhar.

14. When a person commits mischief, he only causes loss to another but does not gain himself. In theft wrongdoer makes dishonest gain at the expense of the victim. This is the essential difference between theft and mischief."

85. In a short judgment, the Allahad High Court in the case of **Mahadeo Prasad and Anr Vs. Emperor, dated 1st June 1923, reported in 75 Ind Cas 159**, which held as follows:

"4. In *re Chockalingam Pillay* 13 Ind. Cas. 819 : (1912) M.W.N.119 : 11 M.L.T.162 : 13 Cr.L.J.131 was a case in which the

water had been cut off from the natural source and conveyed through pipes, and thus reduced into effective possession. It was held both with reference to the English authority and to the definition of theft contained in Section 378, Indian Penal Code that it could be the subject of theft."

86. In the case of ***T.S.Raghupathi Aiyar Versus Narayana Goundan & Others, decided by the High Court of Madras on 05.09.1928, reported in CDJ 1928 MHC 102***, our High Court held as follows:

"7. The expressions "destruction of any property," "such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously," contained in Section 425, Indian Penal Code, appear to me to carry the implication that something should be done to the property contrary to its natural use and serviceableness. It may be mischief to throw the contents of a pot of food upon the fire, but it is not mischief, though it may be theft, to eat the food. And so here, since the graziers, by allowing their goats to graze, did no more than put the grass to its normal use, by the same reasoning their act would not amount to mischief, though it may have amounted to theft. As to this, that offence not having formed the subject of the charge, I do not wish to express a more definite opinion."

87. The Hon'ble Supreme Court of India in the case of ***State(NCT of Delhi) Vs.Sanjay, reported in (2014) 9 SCC 772, held as follows:***

"60. There cannot be any two opinions that natural resources are the assets of the nation and its citizens. It is the obligation of all

concerned, including the Central and the State Governments, to conserve and not waste such valuable resources. Article 48-A of the Constitution requires that the State shall endeavour to protect and improve the environment and safeguard the forests and wildlife of the country. Similarly, Article 51-A enjoins a duty upon every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for all the living creatures. In view of the constitutional provisions, the doctrine of public trust has become the law of the land. The said doctrine rests on the principle that certain resources like air, sea, water and forests are of such great importance to the people as a whole that it would be highly unjustifiable to make them a subject of private ownership.

61.*Reading the provisions of the Act minutely and carefully, prima facie we are of the view that there is no complete and absolute bar in prosecuting persons under the Penal Code where the offences committed by persons are penal and cognizable offence."*

88.The Hon'ble Supreme Court of India also clarified that "there is no complete and absolute bar in prosecuting persons under the IPC, where the offences committed by persons are penal and cognizable offence".

89.In paragraph 71 of the above said judgment, the Apex Court held that "however, there may be a situation where a person without any lease or licence or any authority enters into river and extracts sand, gravel and other minerals and remove or transport those minerals in a clandestine manner with an intent to remove dishonestly those minerals from the possession of the State, is liable to

be punished for committing such offence under Sections 378 and 379 of the Penal Code."

90. Interestingly, our High Court of Madras decided a case on 17.01.1912 in the case of ***Chockalingam Pillai Vs. Emperor in Criminal Revision Case No.390 of 1911 and Criminal Revision Petition No.293 of 1911.*** The Bench decided the above case was Hon'ble Justice Miller, Hon'ble Justice Sundara Aiyar and Hon'ble Justice Benson.

91. In that case, the accused has been convicted of the offence of theft by raising the door of Sluice No.154 on the Kannadian canal without the permission of the officers of the Government and thereby lowering the level of the water therein. The object of the accused in doing so was to divert more water to his lands than they would otherwise receive. He was charged in addition with the offence of mischief and convicted of both offences by the District Magistrate of Thirunelveli. But the Sessions Judge, on appeal, reversed the conviction for mischief. **The question to be decided by this Court is whether the conviction for theft can be sustained.**

92. The Hon'ble Justice Miller, is of the opinion that "It would seem to be right to do so in this Country, where water is a highly-priced commodity. In England, water flowing in a river is regarded as not owned by any person. The

right of the riparian proprietor is to use it. He is not the owner of the water, which he is entitled to use. The bed of a river which is not tidal and navigable is vested partly in one owner and partly in another, i.e., in the riparian proprietor on either side of the river. On the other hand, in this Presidency, at least in Ryotvari tracts, the bed of the river is vested in the Government."

93.If water in channels is owned by the Government in this Country, there is no reason why the Government should not be regarded as having reduced it to possession in the circumstances proved in this case and why it may not be regarded as the subject of theft whether in the case of any particular river, channel or reservoir, the Government can be said to be in possession must depend on the circumstances. The question must be regarded is one of the fact to be decided on the evidence in each case.

94.There seems to be no great difficulty, therefore, in holding in this case in the circumstances pointed out in the judgments of the lower Courts that the water in the Kannadian Channel was in the possession of the Government.

95.Considering these aspects of the matter, the Hon'ble Justice Miller, arrived a conclusion "**The conviction for theft cannot therefore be sustained. The accused must in my opinion be acquitted and the fine, if paid, must be refunded**".

96. The Hon'ble Justice Benson, was of a dissenting view and said that its flow, "the question of possession must be decided in each case by a reference to the degree of control exercised, and the facts stated in that case do not indicate the same degree of control as is indicated in the present case. To mention only one point:- In that case, the water is said to have run freely through the channel from the river and to have flowed into some Khal or Jhil unless diverted for irrigation. In the present case, the access of the water to the channel is controlled by a Government head-sluice or regulator. Its flow in the channel is at times controlled by dams built by the Government, and the flow ends in a reservoir or tank in the possession and under the control of the Government and, in fact, belonging to the Government."

97. The theft was complete as soon as the dog began to follow him. The essence of the offence consists in the dishonest taking of property out of the Possession of the owner, rather than in the taking of it into thief's own possession. If, however, the word "take" is to be regarded as connoting the idea of the custody passing to the taker, I still think the requirements of Section 378 are fulfilled in the present case, for it is only necessary that the thief should "intend to take," not necessarily that he should succeed in taking, and I find it difficult to understand what other intention the accused can have had if it was not to "take" the water to his land, where it would be in his possession and

custody. That some of it might soak into the ground and so be no longer in his custody, or under his control, is immaterial. If any drop of it was capable of being in the thief's custody the argument would have no force.

98. Recording the reasons, the Hon'ble Justice Benson, in his judgment, held as follows:

"12. Both the learned Judges, who heard the Revision Petition were of opinion that the water was in the possession of the Government. With that opinion, I agree and need therefore only consider the further question upon which their opinions differ. Now when once it is decided that the water was capable of being stolen, it seems to me impossible to resist the conclusion that it has been stolen in this case. The petitioner certainly intended to take it to his own field, and he took steps, which he must have considered were calculated to bring it there. He did not have it in his custody during that transit, but that, as Benson, J. points out, is not necessary! If the petitioner's intention had been merely to let the water run to waste, possibly the case might have been different, though with regard to illustration (c) to Section 425, Indian Penal Code, it is to be observed that the illustration does not show that A took the ring from Z's possession to throw it away. The petition is dismissed."

99. When the Hon'ble Justice Miller, held that the theft cannot therefore be sustained. The Hon'ble Justice Benson took the view that Water is capable of being stolen.

100. The matter was decided by the Hon'ble Justice Sundara Aiyar, proudly an Indian Judge of Pre-Independence Era. The Hon'ble Justice Sundara Aiyar in his short judgment, held as follows:

"1. Both the learned Judges who heard the revision petition were of opinion that the water was in the possession of the Government. With that opinion I agree, and need, therefore, only consider the further question upon which their opinions differ.

2. Now, when once it is decided that the water was capable of being stolen, it seems to me impossible to resist the conclusion that it has been stolen in this case. The petitioner certainly intended to take it to his own field, and he took steps which he must have considered were calculated to bring it there. He did not have it in his custody during the transit, but that, as Benson, J., points out, is not necessary. If the petitioner's intention had been merely to let the water run to waste, possibly the case might have been different, though with regard to illustration (c) to Section 425, Indian Penal Code, it is to be observed that the illustration does not show that A took the ring from Z's possession to throw it away.

3. The petition is dismissed."

101. In the light of the spirit of the above discussions, let us now consider Section 378 of Indian Penal Code (IPC).

"378. Theft.—Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft."

Explanation 1.—“A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.”

102. The ingredients of the above provision of the Indian Penal Code (IPC) unambiguously stipulates that whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent. Thus, in respect of the water and other natural resources, the State is the person. It is a National asset. State is the custodian and in possession of all such National assets including water under the Earth. Thus, it is to be examined whether Explanation 1, of Section 378 IPC can be applied in respect of illegal Extraction of Ground Water for commercial usage. Explanation 1 of Section 378 of the Indian Penal Code (IPC), unambiguously enumerates that “ A thing becomes capable of being the subject of theft as soon as it is severed from the earth”. Thus, it is crystal clear that so long as the water stays with the Earth undisturbed, the provision may not apply. However, once it is severed from the Earth by way of an Extraction, it becomes a “theft”, if it is extracted without any authority of law. Thus, it is unambiguous that a water is capable of being stolen, the water under the Earth is attached with the Earth. Water, being a National asset, if it is extracted without any authority of law, then it amounts to “theft” and certainly the persons committing such offence of theft under the Indian Penal Code (IPC), is liable to be prosecuted.

103. Section 379 of the Indian Penal Code (IPC), provides Punishment for Theft.

104. Let us now look into Section 425 of the Indian Penal Code (IPC); Mischief. Section 425 of the Indian Penal Code (IPC) stipulates that "Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits "mischief".

105. Explanation 1 of Section 425 of the Indian Penal Code (IPC), which reads as under:-

"It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not."

106. Illustration (b) of Section 425 of the Indian Penal Code (IPC), states that "A introduces water into an ice-house belonging to Z and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief." Illustration (c) of Section 425 of the Indian Penal Code (IPC), states that "A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing

wrongful loss to Z. A has committed mischief.”

107. Looking into the ingredients of Section 425 of the Indian Penal Code (IPC) and Explanation 1 and illustrations of the Indian Penal Code (IPC), it is unambiguous that if water attached to the Earth is extracted and wasted by a person, and thereby causing a wrongful loss, then the offence of Mischief under Section 425 of the Indian Penal Code (IPC) is attracted. To make it clear, if any person extract the Ground Water from the Earth and simply wasting with an intention to cause wrongful loss to the State, then the offence of “Mischief” under Section 425 of the Indian Penal Code (IPC) is committed by such person. Section 426 of the Indian Penal Code (IPC) speaks about Punishment for mischief. Thus, it is clear that an offence of mischief may not be applicable in respect of certain cases. However, in respect of the petitioners in all these writ petitions, if they extract water for commercial usage without obtaining any proper licence or permission, such an Extraction or over Extraction, will certainly attract Sections 378 and 379 of the Indian Penal Code (IPC) and all those persons are liable to be prosecuted for the offence of theft.

108. The Committee constituted is empowered to conduct surprise inspections in respect of the Ground Water extracted by the individuals and the establishments for commercial purposes and by violations of illegal extractions shall be viewed seriously and immediate actions are to be taken in accordance

with law. The respondents / State may decide of charging for extraction of Ground Water for commercial usage and such a policy decision shall be considered in due course appropriately.

109. Coming to the regulatory part of the Extraction of Ground Water, all these commercial establishments, as discussed in the aforementioned paragraphs, implementation of the regulations are certainly imminent and the same is lacking on account of proper Mechanism and guidelines. Thus, this Court is inclined to pass the following orders:

(1) The impugned order of regulation issued by the 1st respondent in G.O.Ms.No.142, dated 23.07.2014 is confirmed.

(2) The respondents are directed not to grant licence, No Objection Certificate (NOC) or permission for the commercial establishments / person to extract ground water for commercial usage in the absence of fixation of water Flow Meter on the Board outlet, which is to be inspected.

(3) The respondents are directed to inspect the functional quality and other established standards of the Flow Meters fixed by the persons, who all are applying for permissions / No Objection Certificate (NOC) and at the time of granting permission / No objection Certificate (NOC), the Flow Meter should be sealed properly by the respondents / Public Works Department (PWD) officials.

(4) The Flow Meter must be sealed in such a way to prevent any tampering by any person. Quantum of Water to be extracted by individuals, are

to be fixed periodically as per the assessment to be made by the P.W.D. Authorities as per the Regulations.

(5) The respondents are directed to measure the quantum of water extracted by the establishments / persons by taking meter reading every Month and accordingly, the same is to be regulated.

(6) The respondents are directed to follow all other terms and conditions fixed for grant of licence / permission for Extraction of Ground Water for commercial usage as per the guidelines issued in G.O.Ms.No.142, Public Works Department dated 23.07.2014.

(7) The respondents are directed to register the Police complaint in the event of identifying any excess Extraction of Ground Water by tampering the Flow Meters sealed or by any other means by any person. The case must be registered Under Section 379 of Indian Penal Code (IPC). In addition, if the water is wasted for causing wrongful loss, then Section 425 of the Indian Penal Code (IPC) will also attract.

(8) The respondents are directed to suspend the licenses by issuing show cause notices and by providing an opportunity to the persons, who have involved in the offence of theft or violation of all other conditions stipulated in the Government Regulations, or if a criminal case is registered. If any person is convicted, then he shall be permanently debarred from getting licence for Extraction of Ground Water.

(9) The District Collectors of all the Districts in the State of Tamil Nadu are

directed to issue suitable directions / orders to the Revenue Divisional Officer, Tahsildars and all other officials concerned to inspect and monitor the Extraction of Ground Water by the persons for commercial usage.

(10) The District Collectors of all the Districts are directed to constitute monitoring committees to monitor the Extraction of Ground Water by the individuals for commercial purposes.

(11) Each Monitoring Committee appointed by the District Collector concerned, shall consists minimum of five persons and the Committee is empowered to monitor the Extraction of Ground Water for commercial purposes by the individual persons and commercial establishments.

(12) The Monitoring Committee shall consists of the following persons:

(i) The District Environmental Engineer from Pollution Control Board of the State of Tamil Nadu.

(ii) One qualified Public Works Department (PWD) Engineer from Water Resources Department.

(iii) The Assistant Director of Zoology and Mining of the State Government.

(iv) The Revenue Divisional Officer of the concerned locality.

(v) One nominee from the office of the Chief Engineer, Central Ground Water Board of the Government of India.

(13) The Monitoring Committee is entitled to collect proofs and documents in respect of the Extraction of Ground Water illegally and excessively by any person and submit a complaint / report to the District Collector concerned, who in turn, after verifying the same, shall register a complaint with the Jurisdictional Police for registering a criminal case under the provisions of Indian Penal Code (IPC).

(14) It is needless to State that, only in the event of compliance of the regulations and conditions imposed in this order, the persons / establishments shall be allowed to extract the Ground water for commercial usage or for commercial purposes.

(15) The 1st respondent / Secretary, Public Works Department is directed to issue a consolidated instructions in this regard based on the order passed in the present writ petitions to all the District Collectors, enabling them to implement the Court orders promptly.

110. With these observations and directions, all these writ petitions are disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.10.2018

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Internet :Yes/No
Index :Yes/No
Speaking/Non-Speaking order

To

- 1 The Secretary to Government of Tamilnadu
Public Works (R2) Department
St. Fort George Chennai-600009.
- 2 The Chairman
Tamil Nadu Pollution Control Board, Guindy
Chennai-600 032.
- 3 The Central Ground Water Board,
Govt. of India-Ministry of Water Resources
South Eastern Coastal Region,
Rep. by its Regional Director, E-1 G-Block, Rajaji
Bhavan, Chennai-600 090.
- 4 The Chief Engineer
Public Works Department,
Water Research Organization
State Ground & Surface Water
Resources Data Centre, Taramani, Chennai – 600 113.

and others.

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S.M.SUBRAMANIAM, J.

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W.P.Nos.28535 to 28539
of 2014 & etc., batch03.10.2018



ABSTRACT

GROUND WATER – Dynamic Ground Water Resources Assessment for Tamil Nadu as on March, 2017 – Categorization of Firkas as Over Exploited, Critical, Semi-Critical, Safe and Saline / Poor Quality based on the Assessment in Tamil Nadu – Approved – Orders – Issued.

Public Works(R2) Department

G.O. (Ms) No.161

Dated 23.10.2019

விகாரி, புரட்டாசி 6

திருவள்ளூர் ஆண்டு 2050

Read :

1. G.O.(Ms).No.326, Public Works Department, Dated 23.11.1993.
2. G.O.(Ms).No.51, Public Works Department, Dated 11.02.2004.
3. G.O.(Ms).No.52, Public Works Department, Dated 02.03.2012
4. G.O.(Ms).No.142, Public Works Department, Dated 23.07.2014
5. G.O.(Ms).No.113, Public Works Department, Dated 09.06.2016
6. G.O.(Ms).No.257, Public Works Department, Dated 01.10.2018
7. From the Chief Engineer, State Ground and Surface Water Resources Data Centre, Letter No. DD(G)/8474/ Assessment/ 2017, Dated 22.8.2019.

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ORDER:

Based on the development of the ground water resources, the Panchayat Union Blocks in Tamil Nadu were categorized as Dark and Grey areas as on January 1992 and January 1997 (Projected development at year 5) in the Government Order 1st read above. The Blocks with ground water development between 85% to 100% were categorized as "Dark Blocks" and the Blocks with ground water development between 65% to 85% were categorized as "Grey Blocks". The Government directed that no Scheme should be formulated in the Dark Blocks and that in the Grey Blocks, Schemes should be formulated in consultation with the Ground Water Wing of the Public Works Department only. The above categorisation was done in accordance with the then prevailing Ground Water Estimation Committee – 1984 (GEC-1984) Norms. Thereafter, the Committee constituted by the Ministry of Water Resources, Government of India, has

recommended to adopt the GEC-1997 Norms for estimation of the ground water resources in all the States.

2. In the Government Order second read above, the Government approved the categorization of the Panchayat Union Blocks in Tamil Nadu as Over-Exploited, Critical, Semi-Critical and Safe Blocks for ground water development as on January, 2003. The Government directed that no Schemes should be formulated in the Over Exploited and Critical Blocks and in the Semi-Critical and Safe Blocks, all the Schemes should be formulated in consultation with the State Ground and Surface Water Resources Data Centre of the Water Resources Organisation in the Public Works Department. It was also ordered therein that the term "Scheme" excludes energisation of agricultural pump sets by the Tamil Nadu Electricity Board. The Government further directed that appropriate rain water harvesting and artificial recharge schemes be carried out in all the categories of Blocks and while carrying out the above Schemes, priority should be given to the Over Exploited and Critical Blocks so as to avoid further deterioration.

3. In the Government Order third read above, the Government approved the categorization of the Panchayat Union Blocks as Over-Exploited, Critical, Semi-Critical and Safe Blocks based on the assessment of the State Ground Water Resources as on March 2009. All the Over Exploited and Critical Blocks were notified as A Category Blocks (where the stage of ground water extraction is 90% and above) and all the Semi Critical and Safe Blocks were notified as B Category Blocks (where the stage of ground water extraction is below 89%). The Government directed that no Schemes should be formulated in Over Exploited and Critical blocks "Notified as A Category Blocks" In Semi-Critical and Safe Blocks "Notified as B Category Blocks", all the Schemes should be formulated through the State Ground and Surface Water Resources Data Centre of the Water Resources Department and the Chief Engineer, State Ground and Surface Water Resources Data Centre, would issue "No Objection Certificate" for ground water clearance. The Government further directed to exclude the ground water drawal for domestic purpose by individual household; domestic Infrastructure Project (Housing); Government's Drinking Water Supply Schemes and Non Water based Industries (i.e., the industries which do not require and use water, either as raw material or for other processing). The Chief Engineer, State Ground and Surface Water Resources Data Centre, would permit domestic use of water by these Non Water based Industries by issuing "No Objection Certificate" based on the hydro-geological conditions. The Government further directed that appropriate Rain Water Harvesting and Artificial Recharge Schemes should be carried out in the categories viz, Over exploited, Critical, Semi Critical and Safe Blocks of Tamil Nadu and while carrying out the above Schemes, priority should be given to marginal quality and bad quality areas so as to avoid further deterioration. The Government further directed that all the Schemes and Proposals based on ground water would have to adhere to the Government Orders and Conditions detailed in

the Annexure-II to the above mentioned Government Order. This Government Order had been upheld by the Hon'ble Bench of Madras High Court, in its Common Judgement dated 18.09.2013, in WA Nos. 923 to 926 of 2009, WP Nos 23116 of 2006, 23896 to 23900 of 2016, 4711 of 2004 and 12375 of 2008. The Hon'ble High Court had made it clear that even with the repealing of the Tamil Nadu Ground Water (Development and Management) Act, 2003, this G.O. would govern the interest of the parties and the State in the matter of regulating the business of the Writ Appellants.

4. In furtherance of the Orders and Instructions issued in the Government Order third read above, the Regulations for management of ground water and issue of No Objection Certificate / License for extraction of groundwater in the State were approved in the Government Order fourth read above.

5. Subsequently, in the Government Order fifth read above, the Dynamic Groundwater resources in the State were estimated taking a Revenue Firka as an unit of assessment by the State Level Technical Co-ordination Committee as on March 2011 and accordingly the Government had approved categorization of the Over-Exploited, Critical, Semi-Critical, Safe and Saline Firkas based on the above assessment. Thereafter, the Government, in the G.O sixth read above, have approved the categorisation of the Firkas in the State as Over-Exploited, Critical, Semi-Critical, Safe and Saline / Poor Quality Firkas based on the Ground Water Resources Assessment as on March 2013.

6. In the letter seventh read above, the Chief Engineer (State Ground and Surface Water Resources Data Centre) has sent a proposal to the Government for approval of Estimation of the Dynamic Groundwater Resources in Tamil Nadu as on March 2017 and Categorisation of Firkas and requested for approval of the Ground Water Assessment 2017 and notification of the Categorization of the Firkas of Tamil Nadu based on the above assessment.

7. The Government have decided to approve the categorization of the Revenue Firkas in the State based on the Estimation of the Dynamic Ground Water Resources as on March, 2017. Accordingly, the Government approve the categorisation of the Revenue Firkas in the State as Over-Exploited, Critical, Semi-Critical, Safe and Saline/Poor Quality as detailed in the Annexure of this Order, based on the Dynamic Ground Water Resources Assessment as on March, 2017 which shall be notified in the Tamil Nadu Government Gazette.

8. The Chief Engineer(State Ground and Surface Water Resources Data Centre),Water Resources Department is further directed that appropriate rain water harvesting and Artificial recharge schemes shall be carried out in the categories viz, Over exploited, Critical, Semi Critical, Safe and saline/Poor quality Firkas of Tamil Nadu. While carrying out the above

Schemes, priority shall be given to marginal quality and bad quality areas so as to avoid further deterioration

(BY ORDER OF THE GOVERNOR)

**K. MANIVASAN
PRINCIPAL SECRETARY TO GOVERNMENT**

To

- The Works Manager, Government Central Press, Chennai-79.
 The Chief Engineer, State Ground and Surface Water Resources Data Centre, Water Resources Department, Taramani, Chennai-113.
 The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, Chennai-5.
 All the Regional and Functional Chief Engineers, Water Resources Department.
 The Additional Chief Secretary and Commissioner of Land Administration, Chennai-5.
 All District Collectors.
 The Director of Rural Development, Chennai-15.
 The General Manager, National Bank for Agriculture and Rural Development, Chennai-34.
 The Registrar of Co-operative Societies, Chennai.
 The Chief Engineer (Agricultural Engineering), Chennai-35.
 The Director of Agriculture, Chennai - 5.
 The Director of Horticulture, Chennai-5.
 The Commissioner / Managing Director, Sugar Corporation, Chennai-35.
 The Managing Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5.
 The Engineering Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5.
 The Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai-2.
 The Chairman, Tamil Nadu Electricity Board, Chennai-2.
 The Regional Director, Central Ground Water Board, Rajaji Bhavan, Chennai-90.

Copy to

- The Agriculture Department, Chennai-9
 The Revenue & Disaster Management Department, Chennai-9.
 The Environment and Forest Department, Chennai-9.
 The Municipal Administration and Water Supply Department, Chennai-9.
 The Rural Development and Panchayat Raj Department, Chennai-9.
 The Energy Department, Chennai-9.
 The Industries Department, Chennai-9.
 Stock File / Spare Copy.

// Forwarded by Order //

K. Manivasan
 29/10/2019
Section Officer

29/10/2019

W.P.No.16299 of 2018**Date: 09.01.2020****DR.VINEET KOTHARI, J.****AND****R.SURESH KUMAR, J.****(Order of the Court was made by DR.VINEET KOTHARI, J.)**

In pursuance of the previous order dated 20.12.2019, the Respondent No.12, M/s.G.D. Aqua Farm and Respondent No.15 M/s.Mallika Water Products have filed their counters. Mr.M.Shreedhar appears for Respondent No.13 and prays for some time to file counter. For Respondent No.14 M/s.Aravinth Aqua , though M/s.Shenbaga Babu and Saraswathi Muthaiah have entered appearance and their names are shown in the cause list, none appeared today and no counter has been filed.

2. Heard Mr.J.Pothiraj, learned Special Government Pleader for Respondents 2,3,4,6,7,10 and 11, Mr.N.Ramesh for Respondent No.5 – CMWSSB and Ms.Swarnalatha, Standing Counsel for Respondent No.8, Central Pollution Control Board.

3. Mr.Ravi Anantha Padmanabhan learned counsel for the Respondent Nos.12 and 15 brought to our notice that the Public Works Department vide its

W.P.No.16299 of 2018

communication dated 22.05.2019 had granted the No Objection Certificate to the Respondent No.12 M/s.G.D.Aqua Farm and to further obtain renewal of the licence on or before 27.02.2020 without fail. The said respondent also applied for the same and awaiting the No Objection Certificate.

4. Learned counsel further submitted that insofar as Respondent No.15, M/s.Mallika Water Products is concerned, the Public Works Department vide its letter dated 11.09.2014 had informed that since the plant of the said respondent is situated within the Metro Area, they should approach the Chennai Metro Water Supply and Sewerage Board (CMWSSB). Upon such approach, the said Board vide its communication dated 10.07.2017 had informed the said respondent that the unit was located in Sholavaram Block and according to them, the jurisdiction lies with the Public Works Department only and therefore the said company shall approach the Public Works Department. This communication was issued to the said respondent way back on 10.07.2017. But, thereafter the said respondent does not seem to have taken any effective steps for obtaining the requisite No Objection Certificate from the Public Works Department.

5. Learned counsel further submits that he has other relevant certificates such as BIS Certificate and FSSAI Certificate to manufacture the purified water out of the water extracted and that the plant is being run only to the extent of

maintaining the membranes in the Plant and Machinery used in the manufacture of the said purified water.

6. This apparently is without the permission or approval of the Public Works Department. The grievance of the petitioner in this Public Interest Litigation is only about the illegal extraction of ground water by this respondent and other water manufacturing plants, who are engaged in the manufacture of purified water by extracting the ground water from the respective areas, in which their industries are set up. Such illegal or unauthorised extraction of underground water is causing depletion of water resources illegally and the underground water table has gone down considerably.

7. Therefore, we direct the concerned authorities of the Public Works Department to ensure complete closure of the units manufacturing purified water, who do not hold valid No Objection Certificate or permission from the concerned department either Public Works Department or CMWSSB for such extraction of ground water and submit a Compliance Report on the next date of hearing.

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8. The concerned official of the Public Works Department viz., Mr.S.Prabhakaran, Chief Engineer, State Ground and Surface Water Resources

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Data Centre, Tharamani, Chennai 600 013, shall remain present before this Court during the next date of hearing ie., on **06.02.2020** with the aforesaid Compliance Report and also provide the data as to how many units are engaged in such purified water manufacturing industry in the State of Tamil Nadu and how many of them hold valid permissions from the concerned authorities. A complete overall view of the said position may be produced before this Court during the next date of hearing by collecting requisite information from the concerned officials of the departments.

9. The said units which are closed under this order will not be allowed to re-operate and extract water unless and until they strictly comply with the conditions and obtain due permission to extract underground water. Such information should be supplied to this Court in advance and only after the permission of this Court, they should be allowed to undertake this manufacture activity again.

10. Post the matter on **06.02.2020**.

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(V.K.,J.) (R.S.K.,J.)
09-01-2020

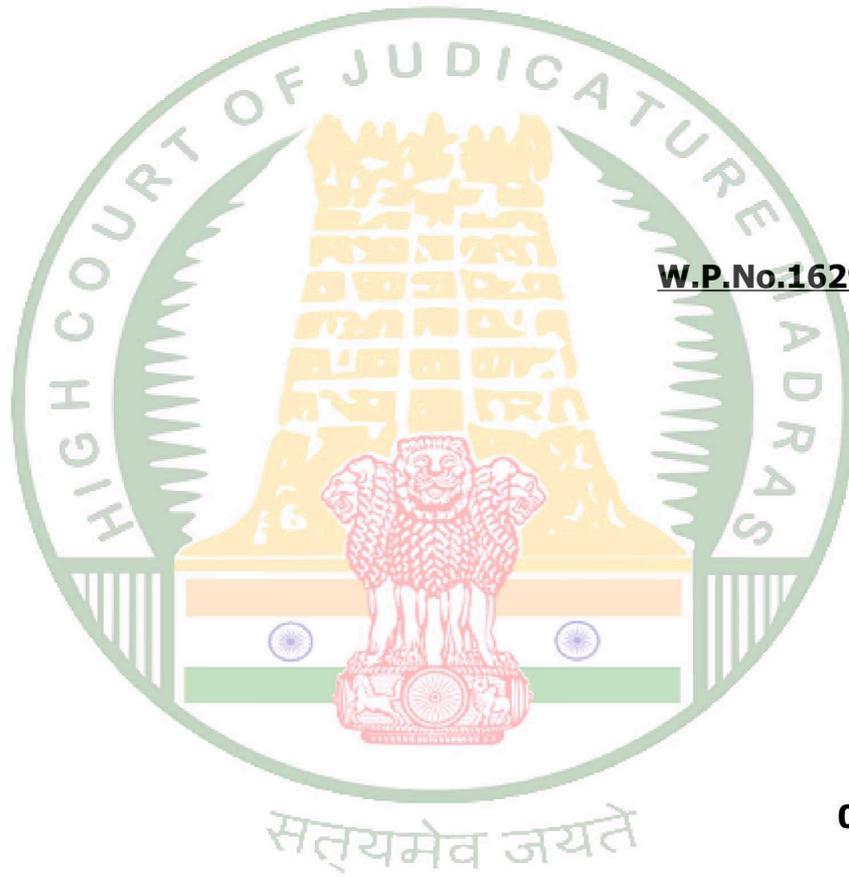
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DR.VINEET KOTHARI, J.
AND
R.SURESH KUMAR, J.

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**W.P.No.16299 of 2018****09.01.2020**

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W.P.No.16299 of 2018
and W.M.P.Nos.17117/2020, 19411/2018, 5865/2020,
8431/2020, 4889/2020, 5740/2020 and 5821/2020

DR.VINEET KOTHARI, J.

and

M.S.RAMESH, J.

Heard Mr.K.Ravi Anantha Padmanabhan, learned counsel for the Applicants and Mr.Pothiraj, learned Special Government Pleader.

2. The complaint of the applicants represented by Mr.Ravi Anantha Padmanabhan from the District of Erode is that instead of closing down only the Borewell for withdrawal of underground water from the critical or unsafe zone of Erode, the concerned administrative authorities have disconnected the entire power supply, thus preventing the production of purification and supply of water, which has entirely crippled the entire business of the applicants.

3. These applicants have clearly undertaken before the Respondent authorities that they may be permitted only to transport water from the other safe zones, withdrawn in such safe zones only, and then bring them to their water purifying units situated in Erode, and after purification, may be allowed to sell such water, so that the business activity is not stopped altogether. He

has drawn our attention to the court order dated 23.03.2020 in this regard.

4. In response, Mr.Pothiraj, learned Special Government Pleader has produced the Compliance Report filed by Mr.Prabhakaran, Chief Engineer, State Ground and Surface Water Resources Data Centre, Taramani, Chennai dated 10.11.2020. Paragraph 3 of the Report is quoted below :-

3. *I respectfully submit that as per court order dated. 07.10.2020, State authorities concerned are taking action against all packaged drinking water units who are illegally extracting ground water without license in terms of GO(MS)No. 142 Public Works (R2) department dated 23.07.2014.*

In this regard, following actions have been taken by District Collector, Erode.

(i) The District Collector, Erode discussed this issue in the District Monitoring Committee in which Executive Engineer, Ground Water Division, Salem is a member. It was decided to completely close the units and also to disconnect the electricity connection. This decision was taken in the District Monitoring Committee because in critical & over exploited firkas, if only the outlet point of Borewell is sealed, then there is every likely hood of the firm bringing water from the nearby areas

through transport and illegally continue their operation. It is also submitted that the nearby areas are also in the category of Over Exploited and Critical which will further deplete the ground water level. Moreover 62% of area in Erode District falls in Danger zone and 18 % falls in near Danger zone. This will further add to more complications like water contamination, deterioration of water Quality and sea water intrusion in coastal areas.

(ii) Hence In order to close the above units completely, the electric connection and Generator also were disconnected.

5. In the said Compliance Report, the Chief Engineer, Mr.Prabhakaran has stated that it was decided to completely close the units and also to disconnect the electricity connection to avoid any likelihood of the illegal transport of water to the units in question and continue their operations.

6. The learned Special Government Pleader Mr.Pothiraj submitted that no specific case of any such illegal withdrawal of water from the critical areas or transport of water withdrawn from underground from such critical areas has been made out against any of the applicants represented by Mr.Ravi Anantha Padmanabhan though he submitted that in the Report it is mentioned that 62% of the area falls in Danger Zone and 18% of the area falls in near Danger Zone,

and therefore it would unsafe for such units to carryout their business operations because under the garb of Court order, they may resort to illegal withdrawal of water from the critical areas itself.

7. After hearing the learned counsels, to balance the equities between the parties in this regard, we are inclined to direct that the petitioners/applicants, representing the water purifying units of Erode, will not be permitted to withdraw the underground water from any of the areas of unsafe and critical nature in Erode District, and even transport of such water withdrawn from underground units of such areas, in whose favour "No Objection Certificates" have been issued to the water purifying units and carry on their operations.

8. However, instead of closing down the entire unit of the applicants, only their Borewells concerned may be completely sealed in such a manner that water withdrawal from such Borewells is not permitted.

9. It will also be ensured that the water withdrawn from any of such units in the critical areas is not allowed to be brought to the water purifying units of the Erode District to carry on their purification operations. The necessary documents viz., vouchers, invoices etc. accompanying the

transportation vehicles for bringing such water should be produced for inspection of concerned authorities in support of the proof that water is being withdrawn from the safe areas only by the Units having due NOCs in their favour in terms of **G.O.(Ms) No.142 Public Works Department, dated 23.07.2014.**

10. It is made clear that if any specific case against any unit of illegal withdrawal of water or illegal transport of water withdrawn from a unit situated in critical area, without proper NOC under G.O.(Ms) No.142 Public Works Department, dated 23.07.2014, is made out against a unit, the entire unit shall be immediately closed and their power supplies shall be disconnected forthwith and they will not be allowed to operate without specific leave of this court.

11. Subject to the aforesaid Undertaking of these Applicants and directions of the Court, the power connection of these applicant units may be restored and they may be permitted to carry on their business operations in an absolutely legal manner as aforesaid.

12. The learned Special Government Pleader has further pointed out

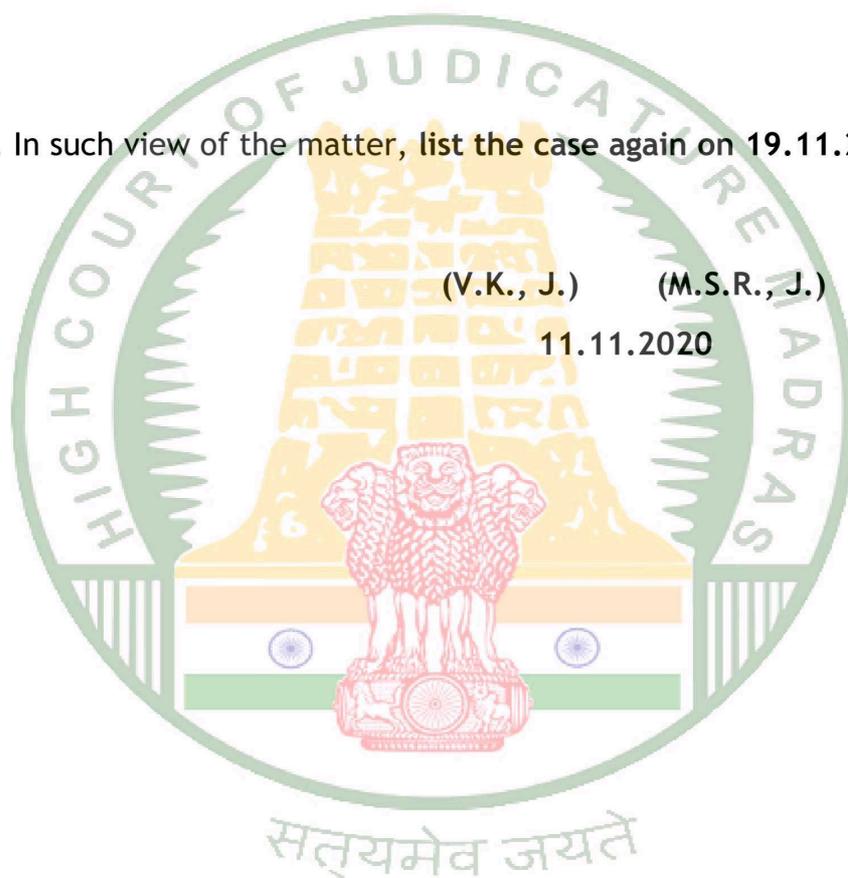
Dt: 11.11.2020 in W.P.No.16299 of 2018
M.V.Sivamuthu vs. Secretary to Government

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about the action being taken against the illegally operating units in Chennai. The next date given by the Court is **19.11.2020**, on which date, the Report of the action taken by the concerned authorities against such illegal units shall be produced before this Court.

13. In such view of the matter, list the case again on **19.11.2020**.

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Dt: 11.11.2020 in W.P.No.16299 of 2018
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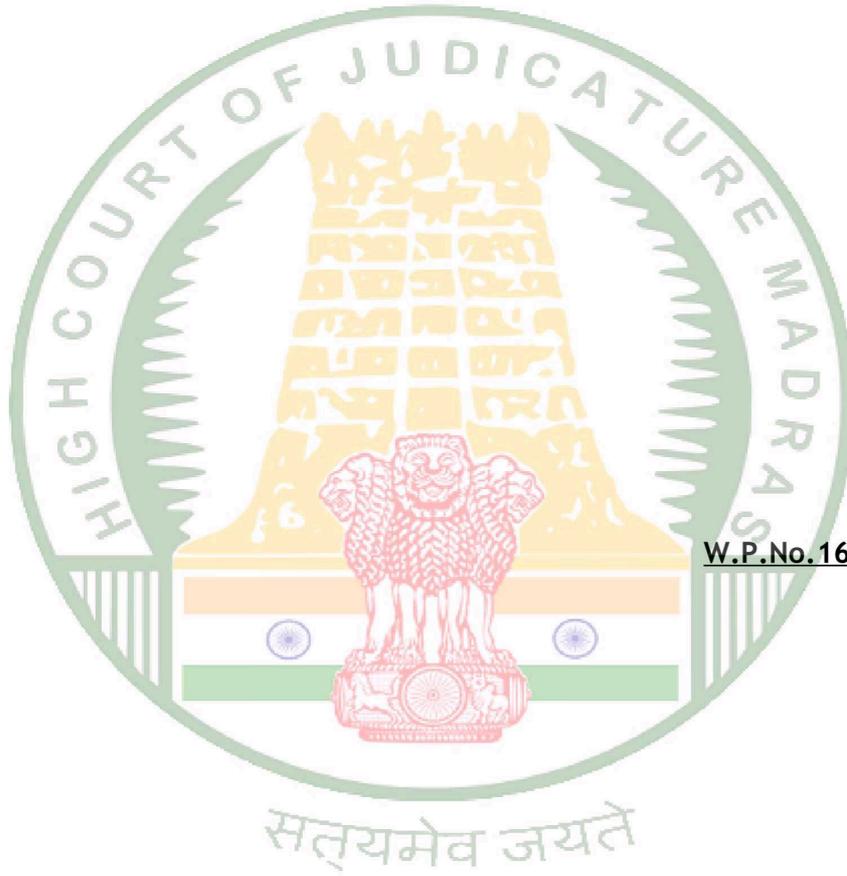
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DR.VINEET KOTHARI, J.

and

M.S.RAMESH, J.

(tar)



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11.11.2020

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
(Through Video Conference)
Appeal No.59 of 2022 (SZ)
TO
Appeal No.72 of 2022 (SZ)

Appeal No.59/2022 (SZ)

M/s. Sri Balamurugan Trades, Vellore District.

And Ors. ...Appellant(s)

Versus

The Chairman Tamil Nadu Pollution
Control Board, Chennai and Ors.

...Respondent(s)

Report filed on behalf of the –
Tamil nadu Pollution Control Board

Advocate for the Respondent – TNPCB
Thiru. S. Sai Sathya Jith
Advocate, Chennai

Dated : 06.12.2022

Next Hearing Date : 07.12.2022