



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P (MD) No. 4098 of 2016

Matchakalai

.. Petitioner

Versus

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Tahsildar,
Taluk Office,
Madurai South Taluk,
Madurai District.
- 3.The Assistant Executive Engineer,
TANGEDCO, Viraganoor, Madurai.
- 4.The Assistant Engineer,
Public Works Department,
Viraganoor, Madurai.
- 5.The Executive Engineer,
Public Works Department,
Sarugani River North - Sub Division,
Sivagangai.

.. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forbear the respondents to close the well and disconnect the electricity connection in Survey No.12/1, 13/1 at situated in Viraganoor Village, Madurai District, by considering petitioner's representation dated 09.02.2016.

For Petitioner	:	Mr.S. Muniyandi
For Respondents	:	Mr. A. Muthukaruppan
		Additional Government Pleader for RR1 and 2
		Mrs.M.Rajeshwari
		for M/s.S.M.S.Johnny Basha for RR3 to 5

O R D E R

This Writ Petition has been filed seeking for issuance of a Mandamus forbearing the respondents to close the well and disconnect the electricity connection in Survey No.12/1, 13/1 situated in Viraganoor Village, Madurai District, by considering petitioner's representation dated 09.02.2016.



2. According to the petitioner, the revenue records relating to the above said survey number stand in his name where two wells are in existence. The electricity service connection provided by the respondents 3 to 5 for the aforesaid two wells is being used by the petitioner for the purpose of agriculture activities. While so, on the basis of false complaint that the petitioner is utilising the water in the well for commercial activities, the respondents 1 and 2 are threatening the petitioner to close the two wells. Therefore, the petitioner has come up with this writ petition.

3. The learned Government Advocate appearing for the respondents 1 and 2, on instructions, would submit that the property was inspected and survey was conducted in the presence of the petitioner and at that point of time, it was pointed out by the surveyor that one acre of government land has been encroached by the petitioner. Apart from that, the well is situated within the one acre of land to which service connection has been effected and water is drawn by the petitioner not for the purpose of agriculture but for selling it to private parties on commercial basis, which is an offence. Therefore, the respondents 1 and 2 are taking necessary action to disconnect the service connection in accordance with law and to regularise the lands which were encroached by the petitioner. According to the learned Government Advocate, the blanket direction sought for by the petitioner in this writ petition need not be entertained. In such circumstance, the learned Government Advocate prayed for dismissal of the writ petition.

4. It is seen from the records that the petitioner has enclosed a representation dated 09.02.2016 wherein it was stated that the official respondents have measured the land which is in his possession without any notice and also threatened to close the wells through which he is irrigating the coconut trees. On the other hand, the learned Government Advocate would contend that the official respondents would initiate appropriate action only by following the due process of law and the allegation of the petitioner is untenable. In any event, as rightly pointed out by the learned Government Advocate appearing for the respondents 1 and 2, the blank direction sought for by the petitioner to forbear the official respondents from closing the well and to disconnect the electricity service connection cannot be granted. At the same time, the official respondents are directed to initiate appropriate action against the petitioner only by following the due process of law.



5. With the above direction, the writ petition is closed.
No costs.

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/True copy/

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Taluk Office,
Madurai South Taluk,
Madurai District.
- 3.The Assistant Executive Engineer,
TANGEDCO,
Viraganoor, Madurai.
- 4.The Assistant Engineer,
Public Works Department,
Viraganoor, Madurai.
- 5.The Executive Engineer,
Public Works Department,
Sarugani River North - Sub Division,
Sivagangai.

+1cc to M/S.SPECIAL GOVT.PLEADER IN SR.No. 14857

SRM-RSH

JA-DB-28.9.2016-3P:7C

W.P. (MD) No.4098 of 2016
14.03.2016