

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.2830 of 2021

Nettaiyampalayam
Sri Mariamman Small Farms
Lift Irrigation Sangam
Rep. by its President
4/442, Nettaiyampalayam
Kondalam Post
Paramathy Velur Taluk
Namakkal 637 208

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary
Public Works Department
Chennai-9

2.The Spl. Chief Engineer (WRO)
Public Works Department
West Cauvery River Basin
Salem-7

3.The Assistant Executive Engineer
Operation & Maintenance
TANGEDCO, Velur
Paramathy Velur Taluk
Namakkal District

4.The Assistant Engineer
Operation & Maintenance
TANGEDCO, Pandamangalam 637 208
Paramathy Velur Taluk
Namakkal District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent to amend the G.O.No.109 Public Works (N1) Department dated 07.02.1994 so as to enable the petitioner to draw/lift water from a well situated at a distance of 7m from the Cauvery River instead of 50m from the Cauvery River as recommended by the 2nd respondent in his Lr.No. 148/CE/Va.pa/va.a1/ko.275/2019

dated 03.10.2019 within a time frame as may be fixed by this Hon'ble Court and consequently to direct the respondents 2 and 3 to restore the electricity service connections already enjoyed by the petitioner in survey No.13/15 of Bommalapalayam Village, Paramathy Velur Taluk, Namakkal District within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.N.Subramaniyan

For R1 and R2 : Mr.M.Loganathan
Addl. Govt. Pleader

For R3 and R4 : Mr.N.Damodaran
Standing Counsel (TANGEDCO)

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the 1st respondent to amend G.O.No.109 Public Works (N1) Department dated 07.02.1994, so as to enable the petitioner to draw/lift water from a well situated at a distance of 7 meters instead of 50 meters from the Cauvery River as recommended by the 2nd respondent in his letter dated 03.10.2019 within a time frame to be fixed by this Court and consequently direct the respondents 2 and 3 to restore the electricity service connection already enjoyed by the petitioner in survey No.13/15 of Bommalapalayam Village, Paramathy Velur Taluk, Namakkal District within a time frame to be fixed by this Court.

2. Heard Mr.N.Subramaniyan, learned counsel for the petitioner; Mr.M.Loganathan, learned Additional Government Pleader for the respondents 1 and 2 and Mr.N.Damodaran, learned Standing Counsel for respondents 3 and 4.

3. The learned counsel for the petitioner, on instructions, would submit that the petitioner is satisfied, if the 2nd respondent's proposal recommending the case of the petitioner for drawing/lifting water from a well situated at a distance of 7 meters instead of 50 meters from the Cauvery River is considered by the 1st respondent on merits and in accordance with law.

4. The learned Additional Government Pleader for the respondents has not raised any serious objection for allowing such a relief.

5. After recording the submissions made by the respective counsels, this Court directs the 1st respondent to consider the 2nd respondent's recommendation dated 03.10.2019, for consideration of the petitioner's request for drawing/lifting water from a well situated at a distance of 7 meters instead of

50 meters from the Cauvery River and pass final orders on merits and in accordance with law, within a period of four months from the date of a receipt of a copy of this order.

With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To
1.Secretary to the Government of Tamil Nadu
Public Works Department
Chennai-9

2.The Spl. Chief Engineer (WRO)
Public Works Department
West Cauvery River Basin
Salem-7

3.The Assistant Executive Engineer
Operation & Maintenance
TANGEDCO, Velur
Paramathy Velur Taluk
Namakkal District

4.The Assistant Engineer
Operation & Maintenance
TANGEDCO, Pandamangalam 637 208
Paramathy Velur Taluk
Namakkal District

+1cc to the Government Pleader, S.R.No.19919

W.P.No.2830 of 2021

PMK (CO)
KM(26/04/2021)