



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.NOS.25992 & 25993 OF 2011

AND

M.P.NOS.1 & 1 OF 2011 AND 1 & 1 OF 2014

1. A.Attiannan
2. S.T.Muthusamy
3. R.Thimmah Gowder
4. T.Sundaram
- 5.S.R.Subbiyan

... Petitioners in
W.P.No.25992 of 2011

1. B.K.Palanisamy
2. N.Murugasamy
3. K.Subbaian
4. S.Kanagaraj
5. K.Parameskumar
6. R.Ramakrishnan

... Petitioners in
W.P.No.25993 of 2011

.Vs.

1. The Tahsildar,
Mettupalayam Taluk,
Coimbatore District.
2. The Assistant Divisional Engineer,
Highways,
Mettupalayam,
Coimbatore.
3. The Superintending Engineer (O & M),
Tamilnadu Electricity Board,
Coimbatore District.

... Respondents in
W.P.No.25992 of 2011

1. The Revenue Divisional Officer,
Coimbatore Division,
Coimbatore District.
2. The Assistant Divisional Engineer,
Highways, Mettupalayam,
Coimbatore.



3. The Superintending Engineer (O & M),
Tamilnadu Electricity Board,
Coimbatore District.

... Respondents in
W.P.No.25993 of 2011

WEB COPY

W.P.NO.25992 OF 2011:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents causing disturbance in any manner from legitimate cultivation of the petitioners' agriculture patta lands with the well, service connection comprised in S.No.64, at Sirumugai Village and S.No.2, 3, 21, 27, 51, 53, 54 and 602 totally measuring about 13.64 hts., situated Belle palayam Village, Mettupalayam Taluk and the standing crops thereof.

W.P.NO.25993 OF 2011:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents causing disturbance in any manner from legitimate cultivation of the petitioners' agriculture patta lands with the well, service connection comprised in S.No.64/1, at Sirumugai Village and S.Nos.17, 18, 47, 554, 566, 572, 798 and 799, totally measuring about 11 hts., situated at Bellepalayam Village, Mettupalayam Taluk and the standing crops thereof.

For Petitioners : Mr.V.Arun
in both W.Ps

For R1 & R2 : Mr.G.Krishnaraja
in both W.Ps Government Counsel

For R3 in both W.Ps : Mr.S.K.Rameshwaran

COMMON ORDER

According to the petitioners in both the writ petitions, they are doing cultivation in their respective agricultural lands in S.Nos.2, 3, 7, 21, 27, 51, 53, 54 and 602 totally measuring to an extent of 13.64 hts and S.Nos.17, 18, 47, 544, 566, 572, 798 and 799 totally measuring to an extent of 11 hts, situated at Bellepalayam Village, Mettupalayam Taluk. They jointly purchased a piece of land with well and service connection situated at Sirumugai village, comprised in S.Nos.64 and 64/1 respectively, for agricultural purpose. In respect of the said land, the revenue authorities also mutated the village



accounts in the name of the petitioners. After conducting inspection, the first respondent granted permission to the respective petitioners to carry water through pipe line on payment of usage tax on 24.03.2005 and 23.03.2010. Pursuant to the same, the second respondent permitted the petitioners to lay water pipe to take water for cultivation to their lands. In view of the permissions and paying tax for the same, the petitioners are carrying cultivation in their lands without any disturbance. While so, the third respondent directed the petitioners to hand over the service connection in S.Nos.64 and 64/1, which was used by them for agricultural purpose. Feeling aggrieved, the petitioners made representations on 04.11.2011 to the respondent authorities not to disturb them from cultivating the lands without any notice. Finding no response on the same, they have come up with these writ petitions seeking appropriate direction to the respondent authorities in this regard.

2. Today, when the matters were taken up for consideration, the learned counsel for the third respondent submitted that there was no demand by the third respondent, with respect to handing over the service connection, as alleged by the petitioners. He further submitted that even if there is any such proposal, the third respondent would proceed the same, only after following due process of law. Thus, according to the learned counsel, apprehending disconnection of the service connection, the petitioners have preferred these writ petitions.

3. Recording the submissions so made by the learned counsel for the third respondent, these writ petitions stand disposed of, granting liberty to the petitioners to approach the authority concerned, if the same cause of action continues. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Mettupalayam Taluk,
Coimbatore District.



2. The Assistant Divisional Engineer,
Highways, Mettupalayam,
Coimbatore.
3. The Superintending Engineer (O & M),
Tamilnadu Electricity Board,
Coimbatore District.
4. The Revenue Divisional Officer,
Coimbatore Division,
Coimbatore District.

+1cc to the Government Pleader, S.R.No.44256

W.P.NOS.25992 & 25993 OF 2011 AND
M.P.NOS.1 & 1 OF 2011 AND 1 & 1 OF 2014

GMR (CO)
PBS/06/10/2021