



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM :

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20860 of 2021 and
W.M.P.Nos.22126 & 22127 of 2021

M/s.Ideal Fibers
Represented by its Partner M.K.Awrangazip
son of M.Kader Mohideen No.248/1,
Ponparappi, Olappalayam Road, Veracholapuram Post,
Kangeyam Taluk, Tiruppur. ... Petitioner

-Vs-

1. The District Collector
Tiruppur, Tiruppur District.
2. The Sub-Collector
Dharapuram, Tiruppur District.
- 3.The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Limited, Palladam
Tiruppur District.
- 4.The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd., Dharapuram
Tiruppur District. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus Call for the records pertaining to the proceedings of the 2nd Respondent vide Na.Ka. 2585 / 2021 / A dated 17.09.2021 and to quash the same as arbitrary and illegal and consequently direct the 3rd respondent to restore the electricity connection in respect of the property comprised in S.No. 247 / 1 and 247 / 2 situated in Veracholapuram Village Kangeyam Taluk Tiruppur District.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.M.Abul Kalam,
Standing Counsel for RR 1 to 4

O R D E R

On consent given by either side, the main writ petition itself is taken up for final hearing.



2. The subject matter of challenge in this writ petition pertains to the impugned communication of the second respondent dated 17.09.2021, wherein the service connection that was provided to the petitioner was disconnected on the ground that, it was misused and the petitioner had unauthorisedly drawn water from the Parambikulam- Aliyar Project to their industry.

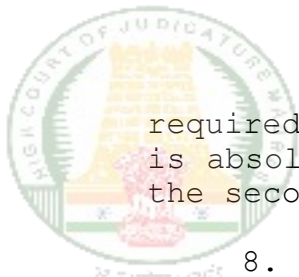
3. Heard Mr.R.Jaya Prakash, learned counsel appearing for the petitioner and Mr.M.Abul Kalam, learned Standing Counsel appearing for the respondents.

4. The case of the petitioner is that, their partnership firm is carrying on the business of manufacturing optical fibre cables. The further case of the petitioner is that, the petitioner firm has planted nearly 150 coconut trees in S.Nos.247/1 and 247/2 and the trees are irrigated only from the water flowing from the Parambikulam-Aliyar project. According to the petitioner, they have never utilized this water for their industry.

5. The grievance of the petitioner is that, the second respondent all of a sudden, issued the impugned communication dated 17.09.2021 and disconnected the service connection on the ground that, the petitioner is unauthorisedly using the water for their industry. Aggrieved by the same, the present writ petition has been filed before this Court.

6. Learned counsel for the petitioner submitted that, the petitioner never used the water for the industry and it was only used for irrigating the coconut trees that have been planted by the petitioner firm. Learned counsel further submitted that, the petitioner will also give an undertaking letter that they will use the water only for irrigating the coconut trees and it will never be used for industrial purposes. Learned counsel submitted that, the impugned order was passed by the second respondent without giving any opportunity to the petitioner and without even getting an explanation from the petitioner.

7. Per contra, the learned Government Counsel appearing on behalf of the first and second respondents submitted that, the petitioner firm does not have the right to draw water by installing motor and the water flowing through the Parambikulam-Aliyar Project is meant for the usage of a large number of villages. The learned counsel submitted that, once the petitioner was found to be unauthorisedly using the water for the industry, the respondents had to take immediate action by disconnecting the service connection. This is the only way in which the respondents can stop the petitioner from using the motor and drawing water from the Project. The learned Government Counsel submitted that, such stringent action was



required since public interest is involved and therefore, there is absolutely no ground to interfere with the decision taken by the second respondent.

8. A careful reading of the impugned proceedings dated 17.09.2021 shows that, the Tahsildar, Kangeyam Taluk had conducted a spot inspection on 16.09.2021 at about 09.30 P.M., and he found that the petitioner was drawing water from the Project by using a motor and it was utilized for industrial purposes. In view of the specific instructions given by the first respondent through proceedings dated 22.01.2020, the second respondent had taken action and immediately the third respondent was informed about the same and the service connection was disconnected. Obviously such a stringent action was taken by considering the public interest involved.

9. The case of the petitioner is that, they have not drawn any water by using motor and only the flowing water was used to irrigate their coconut trees. Yet another stand taken by the petitioner is that, the water was never used for industrial purposes. The stand taken by the petitioner has to be tested only by the respondents since it is factual in nature.

10. In view of the above, to strike a balance between the rights of the petitioner and in order to ensure that the water is not drawn by using motor, this Court is inclined to dispose of this writ petition with the following directions.

- (a) The impugned communication dated 17.09.2021 issued by the second respondent shall be considered as a show cause notice and the petitioner is directed to give their explanation for this show cause notice within a period of two weeks from the date of receipt of a copy of this order.
- (b) The petitioner shall also submit a specific undertaking before the second and third respondents to the effect that they will not draw water by using motor and the water will not be utilised for industrial purposes. Even though such an undertaking has been given at Para 3 of the affidavit filed in support of the writ petition, this Court directs the petitioner to give such an undertaking before the second and third respondents.
- (c) The second and third respondents, on receipt of such undertaking, shall restore the service connection. Regular inspection shall also be made to ensure that the petitioner



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does not draw water by using motor from the Parambikulam-Aliyar Project.

(d) The second respondent, on receipt of the explanation given by the petitioner, shall conduct an enquiry and take a final decision within a period of four weeks from the date of receipt of the explanation from the petitioner. Depending upon the decision taken by the second respondent, further action shall follow; and

(e) If during the interregnum, the petitioner is found to draw water from the project by using motor for any purpose, it is left open to the second and third respondents to proceed further in accordance with law.

11. In result, with the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

KST

To

1. The District Collector
Tiruppur, Tiruppur District.

2. The Sub-Collector
Dharapuram, Tiruppur District.

3. The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Limited, Palladam
Tiruppur District.

4. The Assistant Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd., Dharapuram
Tiruppur District.

+1cc to Mr.R.Jayaprakash , Advocate SR.No.50285

W.P.No.20860 of 2021

SJ(CO)

KM(29.09.2021)