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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23941 of 2021

K.Mohan Raj

...Petitioner

Vs.

1. Executive Engineer
PWD, Water Resource Organization,
Trichy Region,
Hydrology Division,
Trichy - 1.
2. Assistant Engineer
PWD Water Resource Organization,
Hydrology Division,
Musiri,
Trichy District.
3. The Executive Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
Paramathivelur,
Nammakkal District.
4. The Assistant Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
Mohanur,
Namakkal District.
5. Inspector of Police
Mohanur,
Paramathivelur Taluk,
Nammakkal District.

6. R.Nachammal

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 and 4 to disconnect the free current supply in SC No.29 and SC V



4 under their control by implementing the proceedings of 1st and 2nd respondents dated 24.09.2021 and 27.09.2021 by taking assistance of 5th respondent immediately.

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For Petitioner : Mr.N.Sundaresan

For Respondents : Mr.M.R.Gokulakrishnan for R1 to R5
Government Advocate

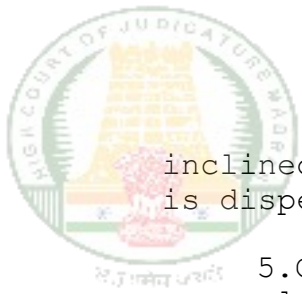
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 3 and 4 to disconnect free current supply in SC No.29 and SC V 4 under their control by implementing the proceedings of the respondents 1 and 2 dated 24.09.2021 and 27.09.2021 by taking assistance of the fifth respondent immediately.

2.The case of the petitioner is that the petitioner is an agriculturist owning piece of land at Oruvanthur Village, Vadugapatty Taluk, Namakkal in S.No.562/1B to an extent of 40-1/2 cents and he is cultivating paddy in the said land. According to the petitioner, the sixth respondent/ nearby land owner, own only half cent and has illegally put up a tubewell and is drawing free current in SC No.V4 in the name of one Kandasamy who has died in the year 1986 and she is not his legal heir. In this regard, the petitioner made representation to the Musiri Assistant Engineer and the Assistant Engineer visited the spot on 23.09.2021 and found that two tubewell is used in single survey number land and illegally drawing water. Thereafter, he issued letter dated 24.09.2021 to the Assistnat Engineer, TNEB of Mohanur for disconnecting both service connection, however, the service connection was not disconnected. Thereafter the petitioner made representation to the first respondent and the first respondent issued letter dated 27.09.2021 to the Executive Engineer of Paramathivelur of TANGEDCO to disconnect the service connection, however, till date the service connection was not disconnected. Hence the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice if this Court issues a direction to respondents 3 and 4 to implement the proceedings of the respondents 1 and 2 dated 24.09.2021 and 27.09.2021, within the reasonable time fixed by this Court.

4.This Court heard the submissions made by Mr.M.R.Gokulakrishnan, learned Government who takes notice on behalf of the respondents 1 to 5. Since this Court is not



inclined to pass any adverse order as against R6, notice to R6 is dispensed with.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs respondents 3 and 4 to implement the proceedings of the respondents 1 and 2 dated 24.09.2021 and 27.09.2021, within a period of four weeks from the date of receipt of a copy of this order, if there is no other legal impediment.

6. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Executive Engineer
PWD, Water Resource Organization,
Trichy Region,
Hydrology Division,
Trichy - 1.
2. The Assistant Engineer
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Musiri,
Trichy District.
3. The Executive Engineer
Operation and Maintenance,
Tamil Nadu Electricity Board,
Paramathivelur,
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Operation and Maintenance,
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Mohanur,
Namakkal District.



5. The Inspector of Police
Mohanur,
Paramathivelur Taluk,
Nammakkal District.

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+1cc to Mr.N.Sundaresan, Advocate, S.R.No.57825
+1cc to the Government Pleader, S.R.No.58057

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NSK 03/12/2021