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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.26467 of 2021

in

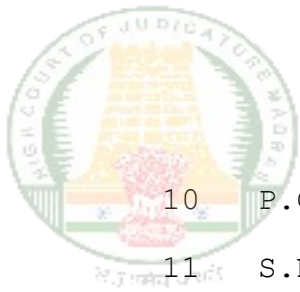
WMP.No.27924 of 2021

S.P.Thangaraju

... Petitioner

Vs.

- 1 The Principal Secretary
Public Works Department Secretariat
St.George Fort chennai-600 009
- 2 The District Collector
Salem
- 3 The Superintendent Engineer,
Operation and Maintenance TANGEDCO
Mettur Salem District
- 4 The Executive Engineer
Operation and Maintenance TANGEDCO
Pallipalayam Namakkal District
- 5 The Assistant Executive Engineer,
Operation and Maintenance TANGEDCO
Komarapalayam Namakkal District
- 6 The Assistant Engineer
Operation and Maintenance TANGEDCO
Chinnappanaickenpalayam-638183
Komarapalayam Namakkal District.
- 7 The Superintending Engineer,
Generation /Erode,
No.127 Mettur Road,
Erode-9.
- 8 C.Prakasam
- 9 S.Periyasamy



10 P.Chinnusamy

11 S.Nanjappan

12 P.Sendrayan

13 V.Marimuthu

14 N.Chinnusamy

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 3 to 6 not to provide any electricity connection to the respondent 8 to 14 by putting up any transformer in survey No.70 of Pullagoundampatti village which is water catchment area of Lower Hydroelectric project and survey Nos.71 /2 of Pullagoundanpatti village which is classified as i.e odai promboke and any other public places like burial ground water channel.

For Petitioners : Mr.R.Ezhilarasan

For Respondents : Mrs.C.Sangamithirai R1 & R2
Spl. Government Pleader
Mr.Abul Kalam R3 to R7
Standing Counsel

O R D E R

This Writ Petition has been filed seeking a direction to the respondents 3 to 6 not to provide any electricity connection to the respondent 8 to 14 by putting up any transformer in survey No.70 of Pullagoundampatti village which is water catchment area of Lower Hydroelectric project and survey Nos.71 /2 of Pullagoundanpatti village which is classified as odai promboke and any other public places like burial ground water channel.

2. The case of the petitioner is that he is a resident of Seerangondampalayam, Puliagoundampatti, Sankari Taluk. On an earlier occasion, the Thasildar passed a proceedings dated 09.07.2020, permitting the respondents 8 to 14 to lay a pipeline



in the residential area of Pullangoundampatti Village without getting report from the Executive authority viz.,, President of Pullangoundampatti Village Panchayat. By using the police protection, the respondents 8 to 14 laid pipeline without getting permission from the Executive Authority viz., President of Pullagoundampatti Village Panchayat. Therefore, the petitioner and other village people gave representation to the respondents for not to give electricity connection to draw water from Kaveri river directly. The same was not considered so far by the respondents. Hence, the petitioner filed the present writ petition before this Court seeking appropriate directions.

3. The learned counsel for the petitioner submitted that the Tahsildar, vide proceedings dated 09.07.2020, permitting the respondents 8 to 14 to lay a pipeline in the residential area of Pullagoundampatti Village without getting report from the Executive authority viz.,, President of Pullangoundampatti Village Panchayat, is itself wrong. For drawing water directly from the Kaveri river, the respondents 8 to 14 had applied for electricity connection, which is not permissible. Hence, this Court may issue a direction to the official respondents not to give permission for laying pipeline and not to give electricity connection for drawing water from the Kaveri river to the respondents 8 to 14.

4. The learned Special Government Pleader submitted that the representations dated 09.10.2020 and 22.10.2020 will be considered and appropriate orders will be passed on merits and in accordance with law within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the second respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court directs the petitioner to make a fresh representations to the respondents 3 to 7 within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the appropriate respondent shall pass orders on merits and in accordance with law after affording opportunity to the either parties within a period of four weeks, thereafter.

7. With the above direction, this Writ Petition is disposed



of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal Secretary
Public Works Department Secretariat
St.George Fort Chennai-600 009
- 2 The District Collector
Salem
- 3 The Superintendent Engineer,
Operation and Maintenance TANGEDCO
Mettur Salem District
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- 7 The Superintending Engineer,
Generation /Erode,
No.127 Mettur Road, Erode-9.

+1cc to Mr.M.Abulkalam, Advocate, S.R.No.66399

+1cc to the Government Pleader, S.R.No.67058

W.P.No.26467 of 2021

GSM(CO)
SU(05/01/2022)