



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 20326 of 2015
and
M.P.Nos.1 and 2 of 2015

R.Umamaheswari

...Petitioner

Vs

1. The Assistant Executive Engineer,
Operation and Maintenance,
Public Works Department,
Bavani Sagar, Erode District.

2. Junior Electrical Engineer,
Operation and Maintenance,
Rajan Nagar, Erode District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, Calling for records with respect of the impugned proceedings issued by the 2nd respondent herein dated 01.07.2015 in Ka. No. EMiPo/E.Po/Ra.Nagr/Ko. HTSC 102/a. No.035/15 and quash the same.

For Petitioner: Mr.Mohan Raju
For Mr.R.Nalliyappan

For Respondents:Mr.M.Abdul Kalam
For TANGEDCO [For R1 and R2]

O R D E R

The order impugned dated 01.07.2015 passed by the second respondent stating that the petitioner should stop illegal tapping of water by utilising the Electricity service connection, failing which, the Electricity service connection will be disconnected. The said order is under challenge in the present writ petition mainly on the ground that, the petitioner is taking water from Bavani River through the pipe line to the paper mill and there is no illegality as such.



2. The petitioner states that he is having an agricultural land to an extent of 4.31.5 Hectare at Pudhupeerkadavu village and there is a well in existence at Tathapalli village. The said well exists 100 meters from Bavani River and the petitioner got permission from the concerned authorities, after paying all necessary charges, to lay under ground pipe line to take water for irrigation purposes. Therefore, the petitioner states that he has not committed any illegality.

3. This Court is of the considered opinion that the second respondent-Junior Electrical Engineer, conducted an inspection and found that the Electricity service connection is used for illegal tapping of water from the River. In this regard, the second respondent communicated a copy of the letter to the Assistant Executive Engineer, Operation and Maintenance, Public Works Department, Bavani Sagar, Erode District.

4. It is pertinent to note that when the Electricity Board authorities found illegal tapping of river water by using the Electricity service connection, they are empowered to disconnect the electricity and in this regard, the Board authorities are bound to intimate the illegal tapping of river water to the competent authorities of the Water Resources Organisation Department for initiation of further action for the removal of pipeline.

5. The petitioner states that he made the pipe line with the permission of the competent authorities. However, the Department of Water Resources Organisation is not a party respondent in the present writ petition.

6. This being the factum, this Court has to consider the facts and circumstances. Accordingly, the respondents 1 and 2 are directed to provide information about the order impugned dated 01.07.2015 to the Superintending Engineer, Executive Engineer and to the Authorities of the Water Resources Organisation having jurisdiction and on such intimation, the authorities competent shall conduct an inspection in respect of the pipe line laid by the petitioner for extraction of river water. If it is identified that the water tapping is being made illegally, then all appropriate actions are to be initiated for the removal of pipe line and to disconnect the Electricity service connection. If the petitioner possesses all the required permission, then he may be permitted in accordance with the procedures contemplated. An inspection must be conducted both by



the respondents as well as by the authorities of the Water Resources Organisation Department. The respondents are directed to ensure such inspection by the authorities of the Water Resources Organisation so as to find out the illegality of water tapping from Bavani River. The said exercise is directed to be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

7. With this direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

Nti/Bga

To

1. The Assistant Executive Engineer,
Operation and Maintenance,
Public Works Department,
Bavani Sagar, Erode District.
2. Junior Electrical Engineer,
Operation and Maintenance,
Rajan Nagar, Erode District.

W.P.No. 20326 of 2015

SMI (CO)
SP(25/01/2022)