



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11624 of 2022

and

W.M.P.No.11100 of 2022

Chitra

Vs.

... Petitioner

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Sub-Collector,
Pollachi Taluk,
Coimbatore District.
3. The Tahsildhar,
Pollachi Taluk,
Pollachi, Coimbatore District.
4. The Superintending Engineer, P.W.D (W.R.O)
Parambikulam Aliyar Basin Circle,
Pollachi- 642 003.
Coimbatore District.
5. The Junior Engineer,
Operation and Maintenance, TNEB,
Kolarpatty Village,
Pollachi Taluk,
Coimbatore District.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fourth and fifth respondents herein to take fresh measurement of the distance between the toe of the bund and the well in the petitioner's land situated in Survey No.23/1B, Kolarpatty Village, Pollachi Taluk, Coimbatore District and pass appropriate orders based on such measurement.



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For Petitioner : Mr.G.Karthikeyan

For R1 to R4 : Mr.C.Jayaprakash
Government Advocate

For R5 : Mr.Abul Kalam
Standing Counsel for TNEB

For Intervener : Mr.R.Prabhakar

O R D E R

The writ petition is filed seeking fresh measurement of the distance between the toe of the bund and the land of the petitioner situated in Survey No.23/1B, Kolarpatty Village, Pollachi Taluk, Coimbatore District.

2.The petitioner submits that electricity service connection, which has been used by the petitioner since 1968 has been disconnected pursuant to an inspection carried out recently. In particular, he points out that the disconnection was effected based on the conclusion that the distance between the toe of the bund and the petitioner's land is 48 meters. According to the petitioner, the measurement was not taken properly and was also not taken in the presence of the petitioner.

3.Mr.C.Jayaprakash, learned Government Advocate, accepts notice for the respondents 1 to 4, Mr.Abul Kalam, learned Standing Counsel accepts notice for the TNEB and Mr.R.Prabhakar, learned counsel representing tail end farmers, intervened in the matter to raise objections.

4.Since the entire issue boils down to the distance between the toe of the bund and the relevant parcel of land, the matter may be lead to raise, if re-measurements are undertaken. The learned Special Government Pleader also states that such re-measurement would be carried out within a week in coordination with the TNEB.

5.Accordingly, the W.P.No.11624 of 2022 is disposed of by directing the respondents to carry out re-measurement of the distance between the toe of the bund and the petitioner's land. Such re-measurement shall be carried out within one week from the date of receipt of a copy of this order. Notice shall be provided to the petitioner prior to such re-measurement.



6. If, upon such re-measurement, it is found that the distance between the toe of the bund and the petitioner's land is in excess of 50 meters, the TNEB is directed to restore the electricity service connection within three days from the date of re-measurement. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Vacation Officer

True Copy//

Sub Assistant Registrar

Dua/Pns

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Sub-Collector,
Pollachi Taluk,
Coimbatore District.
3. The Tahsildhar,
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Pollachi, Coimbatore District.
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Parambikulam Aliyar Basin Circle,
Pollachi- 642 003, Coimbatore District.
5. The Junior Engineer,
Operation and Maintenance, TNEB,
Kolarpatty Village,
Pollachi Taluk, Coimbatore District.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.31353
+1cc to the Government Pleader, S.R.No.31471

W.P.No.11624 of 2022
and W.M.P.No.11100 of 2022

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NSK 16/05/2022