



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. ANANTHI

W.P.No.12245 of 2022

and

WMP Nos.11698, 11699 of 2022

R.Ranganathan

...Petitioner

Vs.

1. The District Collector,
Tirupur District, Tirupur.
2. The Revenue Divisional Officer,
Udumalpet Taluk,
Udumalpet.
3. The Tahsildar, Udumalpet Taluk,
Udumalpet, Tirupur District.
4. The Superintending Engineer,
Public Works Department, WRO,
Parambikulam Aliyar Basin Circle,
Pollachi.
5. The Asst. Engineer (Elecl.) - Operations & Maintenance,
TANGEDCO, Erisanampatti,
Udumalpet Taluk, Tirupur District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 25.04.2022 passed by the 5th respondent in Letter No.AEE/O & M/E.Patti/Va.A/Ko.Agriculture/V No. /22 dated 25.04.2022 and quash the same.

For Petitioner : Mr.J.Pothiraj

For R1 to R3 : Ms.Rajarajeswari, Govt. Advocate

For R4 & R5 : Ms.V.Revathi, Govt. Advocate
for Mr.L.Jaivenkatesh,
Standing counsel for TNEB



ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

WEB COPY

2. This writ petition has been filed seeking to issue a Writ of Certiorari, quashing the impugned order dated 25.04.2022 passed by the 5th respondent.

3. The case of the petitioner in brief:

The petitioner is an agriculturist and he owns agricultural land at Survey No.130/4 at Deepalapatti Village, Udumaplet Taluk, Tirupur District, which was purchased vide sale deed dated 25.03.1997. In that land, there is a Well and the petitioner had obtained a service connection in SC NO.335-001-199/TF IV and he has also obtained permission from the Executive Engineer, PWD on 26.11.2004 to have 5 HP motor to pump out water from the said well for agricultural purpose.

3.1. According to the petitioner, he is cultivating his lands by irrigating water from the well, which is in existence, prior to the implementation of PAP project. But, all of a sudden, the officials of the Electricity Board had disconnected the electricity service connection of the well, vide letter dated 25.04.2022. Hence this writ petition.

4. The learned counsel appearing for the petitioner submitted that, without giving any opportunity of hearing to the petitioner, the service connection was disconnected and the petitioner is facing severe hardship to cultivate the lands. Therefore, the respondent Board may be directed to restore service connection to the well.

5. The learned Government Advocate appearing for the respondent Board submitted that the well is existed, within 50 meters from the Canal for Parambikulam Aliyar Project and hence the order of disconnection was issued and the service connection was disconnected in the presence of the Revenue Divisional Officer and the petitioner.

6. A perusal of the impugned notice dated 25.04.2022 shows that, no opportunity of hearing was given to the petitioner and after issuing the impugned notice, the service connection provided to the Well was disconnected. Before disconnecting the service connection, the respondent Board ought to have issued notice to the petitioner and inspected the property and then only, take action for disconnection.

7. Therefore, considering the facts and circumstances of the case, this court is inclined to pass the following order.



i) The respondent Electricity Board is directed to restore the electricity connection to the well, within three days from the date of receipt of a copy of this order.

ii) The petitioner is directed to draw water from the well only for agricultural purpose.

ii) The fourth respondent is directed to give show cause notice to the petitioner with regard to the disconnection of service connection, within two weeks from the date of receipt of a copy of this order and after giving opportunity of hearing to the petitioner and after inspecting the property in the presence of petitioner, pass appropriate orders.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst

To

1. The District Collector,
Tirupur District, Tirupur.
2. The Revenue Divisional Officer,
Udumalpet Taluk, Udumalpet.
3. The Tahsildar, Udumalpet Taluk,
Udumalpet, Tirupur District.
4. The Superintending Engineer,
Public Works Department, WRO,
Parambikulam Aliyar Basin Circle,
Pollachi.
5. The Asst. Engineer (Elecl.) - Operations & Maintenance,
TANGEDCO, Erisanampatti,
Udumalpet Taluk, Tirupur District.

+1cc to Mr.J.Pothiraj, Advocate, S.R.31235

(17/05/2022)

+1cc to the Government Pleader, S.R.No. 31320

[30/05/2022]

W.P.No.12245 of 2022

GP(CO)

RGA(10/05/2022)