



WEB COPY

W.P.No.12112 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.12112 of 2022

K.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 Assistant Engineer (E) – Operations & Maintenance,
TANGEDCO,
Erisanampatti,
Udumalpet Taluk, Tirupur District

...Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents not to interfere with the petitioner's lifting of water from the well situated at his land in Survey No.128/2B3 at Deepalpatti Village, Udumalpet, Tirupur District.

For Petitioners : Mr.J.Pothiraj

For Respondents 1 to 4 : Mr.B.Vijay
Additional Government Pleader

For Respondent 5 : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents not to interfere with the petitioner's lifting of water situated in his land in Survey No.128/2B3 at Deepalpatti Village, Udumalpet, Tirupur District.

2. Heard Mr.J.Pothiraj, learned counsel for the petitioner, Mr.B.Vijay, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.L.Jaivenkatesh, learned Standing Counsel appearing for the respondent 5.



3. This Court by its order dated 12.05.2022 passed in WMP.No.11547 of 2022 in W.P.No.12112 of 2022 based on the undertaking given by the learned counsel for the petitioner on instructions that the water drawn by the petitioner will not be put to any commercial use, the electricity service connection which was disconnected was ordered to be restored.

4. Learned counsel for the petitioner would now submit that pursuant to the interim direction given by this Court, the electricity service connection for the petitioner has now got restored.

5. Learned Additional Government Pleader appearing for the respondents 1 to 4 on instructions would submit that the petitioner has committed illegal tapping of water and therefore, the respondents will be initiating action against the petitioner by following the due procedure established under law and by adhering to the principles of natural justice. He would also submit that in an identical set of facts, where the petitioner has sought for writ of mandamus in W.P.No.12582 of 2022 batch, the writ petitions were disposed of by issuing the following directions:

a) The Joint Water Monitoring Committee shall issue



show cause notice to each of the petitioners, intimating the date of personal hearing, within a period of seven days from the date of receipt of a copy of this order, calling upon the respective petitioners to show cause as to why their electricity service connections should not be disconnected and the respective petitioners must be granted fifteen days time from the date of receipt of the notice to respond to the said show cause notice.

b) On receipt of the reply from the respective petitioners or on the expiry of the fifteen days period as stipulated in the show cause notice, and after affording a personal hearing on the stipulated date, to be mentioned in the show cause notice, the Joint Water Monitoring Committee shall pass final orders within a period of fifteen days thereafter.

c) Till final orders are passed, the respondents shall not disconnect the electricity service connections of the respective petitioners.



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6. The learned counsel for the petitioner has also not disputing the submissions made by the learned Additional Government Pleader.

Accordingly, this writ petition is **disposed of** by directing the respondents to follow the aforementioned procedures as directed by this Court in W.P.No.12582 of 2020 batch on 15.06.2022. No costs.

12.07.2022

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders



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ABDUL QUDDHOSE, J.
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