

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.13554 & 13685 of 2022

and

W.M.P.Nos.12752, 12753 & 12947 of 2022

WP.No.13554/2022

S.Damodaran

.. Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Office of the District Collector, Coimbatore,
Coimbatore.
3. The Chief Engineer,
Public Works Department (WRO),
Coimbatore Region,
Coimbatore.
4. The Executive Engineer,
Incharge, Aliyaru Basin Division,
Public Works Department,
Pollachi.
5. The Executive Engineer, TANGEDCO,
Angalakurichi,
Pollachi Taluk,
Coimbatore District.

.. Respondents

WP.No.13685/2022

V.Ellusamy

.. Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The District Revenue Officer,
Office of the District Collector, Coimbatore,
Coimbatore.
3. The Chief Engineer,
Public Works Department (WRO),
Coimbatore Region,
Coimbatore.
4. The Superintending Engineer,
Public Works Department (WRO),
Parambikulam Aliyar Basin Circle,
Pollachi.
5. The Executive Engineer, TANGEDCO,
Angalakurichi,
Pollachi Taluk,
Coimbatore District.

.. Respondents

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the respondents herein to follow the due process of law before initiating disconnection of electricity connection to the petitioners' wells at Survey Nos.242/2B, 241/2B2, 251/1C & 253/1B respectively, at Sinjuvadi Village, Pollachi Taluk, Coimbatore District and Survey No.256/1A at Koolanaikenpatti.

For Petitioners : Mr.P.Jothiraj
(in both WPs)

For Respondents : Mr.K.H.Ravikumar
(in both WPs) Government Advocate [R1 to R4]

Mr.Abul Kalam
TNEB [R5]

COMMON ORDER

These Writ Petitions have been filed for a Mandamus seeking for a direction to the respondents to follow the due process of law before initiating disconnection of electricity service connection which is existing in favour of the respective petitioners. Since both the Writ Petitions have sought for the very same relief, they are disposed of by a common order.

2. The subject properties are situated adjoining the PAP canal in Udumalpet Taluk, Tiruppur District. The petitioners claim that the respondents are attempting to disconnect the

respective electricity service connection on the ground that the petitioners are illegally tapping water from the PAP canal. However, the same is disputed by the respective petitioners.

3. The learned Additional Government Pleader appearing for the official respondents would submit that the petitioners have illegally tapped water from the PAP canal for commercial purpose. However, the same is vehemently opposed by the learned counsel for the petitioner who would submit that the water is being used only for agriculture purpose. In fact, he would also submit that some of the lands belonging to the petitioners were acquired by the respondents for the purpose of laying the PAP canal.

4. In similar matters involving lands adjoining the PAP canal, some of the land owners had filed Writ Petitions in WP.Nos.12582 of 2022 etc., batch. In the said batch of Writ Petitions by order dated 15.06.2022, this Court issued the following directions:-

".... 10. After recording the submissions made by the respective counsels, these writ petitions are 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.

d) In view of the issuance of the aforementioned directions by this Court, the impugned orders, dated 12.04.2022, 20.04.2022 and 25.04.2022 issued by the respective respondents are hereby quashed."

5. In the above mentioned batch of Writ Petitions, some of the petitioners had filed for Mandamus, as is the case of the petitioners herein and some of them had filed the Writ Petitions

challenging the impugned orders under which, the electricity service connections were ordered to be disconnected by the respondents.

6. The learned Government Advocate appearing for the respondents as well as the learned standing counsel appearing for TANGEDCO has no objection if similar directions are issued in these Writ Petitions also.

7. The learned counsel appearing for the petitioners has also not raised any serious objections if similar directions are issued.

8. In terms of the directions issued in the order dated 15.06.2022 by this Court in WP.Nos.12582 of 2022 etc., batch extracted in paragraph 4, these Writ Petitions are also disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore District, Coimbatore.
2. The District Revenue Officer,
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3. The Chief Engineer,
Public Works Department (WRO),
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5. The Executive Engineer, TANGEDCO,
Angalakurichi, Pollachi Taluk,
Coimbatore District.

6. The Superintending Engineer,
Public Works Department (WRO),
Parambikulam Aliyar Basin Circle,
Pollachi.

+1cc to the State Government Pleader, S.R.No.39302,39303

W.P.Nos.13554 & 13685 of 2022

SVI[co]
NSK/11/07/2022