



W.P.No.26243 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26243 of 2022
and W.M.P.Nos.25327 & 25328 of 2022

M/s.Sri Ragavendra Coir Products
Represented by its Partner
Mr.M.N.Kuttuswaamy
S/o Nachimuthu Gounder
S.F.No.296, Kulanaickenpatti
Pollachi (TK), Coimbatore District.

.... Petitioner

-Vs-

- 1 The District Collector
Coimbatore.
- 2 The Deputy Collector
Pollachi Coimbatore District.
- 3 The Divisional Deputy Tahsildar
Pollachi(South) Coimbatore District.
- 4 The Executive Engineer
Public Works Department Water Resource
Department Aliyar Basin Division Pollachi
Coimbatore.
- 5 The Assistant Engineer
Water Resource Departmet Camp Section
Pollachi-642003.
- 6 The Executive Engineer
TANGEDO Pollachi Coimbatore.

.... Respondents



W.P.No.26243 of 2022

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the show cause notice issued by the 3rd and 5th Respondents dated 02.09.2022 and quash the same by directing the respondents not to disconnecting the EB industrial line connection in Consumer No. 03307006472 with 67 KW in LN 3B Tariff in the petitioner land in Survey No.296(in the impugned order it is wrongly mentioned as industrial line connection No. 572 in Survey No. 298/1).

For Petitioner : Mrs.R.Meenakshi
For Respondents : Mr.Vadivelu Dheenadayalan
Additional Government Pleader – for R1 to R3
Mr.E.Veda Bhagath Singh
Special Government Pleader – for R4 & R5
Ms.S.Revathy for Mr.M.Abul Kalam
Standing Counsel – for R6

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records relating to the show cause notice issued by the 3rd and 5th Respondents dated 02.09.2022 and quash the same by directing the respondents not to disconnect the EB industrial line connection in Consumer No. 03307006472 with 67 KW in LN 3B Tariff in the petitioner land in Survey No.296(in the impugned order it is wrongly mentioned as industrial line connection No. 572 in Survey No. 298/1).



W.P.No.26243 of 2022

WEB COPY

2. The fourth and fifth respondents have issued a show cause notice to the petitioner on 02.09.2022 asking the petitioner to show cause as to why action shall not be taken against the petitioner to cut the electricity connection given to the motor pump fitted in a well, which according to the respondents is located within the objectionable distance from Parambikulam Canal ie., 77 metres from the toe of the bund.

3. The petitioner has given a detailed reply for the said show cause notice on 22.09.2022, where mainly the petitioner raised the point that the survey number mentioned in the show cause notice does not belong to the petitioner and the well as well as the motor pump fitted in the well is situated in some other survey number, which is far away or away from the restricted distance from the canal and the service connection number mentioned in the show cause notice is also wrong.

4. Explaining all these aspects, the petitioner has not only given a reply, but also appeared before the respondents in person and explained this position. Despite the said reply given by the petitioner, the men under the respondents, according to the learned counsel for the petitioner, are troubling the petitioner by threatening that the electricity connection would be cut off and the



W.P.No.26243 of 2022

petitioner's motor pump would be removed. Therefore, apprehending such drastic action at the hands of the respondents, the petitioner has moved the present writ petition, challenging the very show cause notice dated 02.09.2022, despite the reply having been given on 22.09.2022.

5. Heard Mrs.R.Meenakshi learned counsel for the petitioner who reiterated the aforesaid facts and seeks the indulgence of this Court to issue appropriate directions.

6. Heard the learned Government Counsel for respondents 1 to 5 and the learned Standing Counsel for the sixth respondent. Learned Government Counsel would submit that already directions were given at least in two cases by this Court, to ensure action to be taken against such kind of illegal tapping of water near the objectionable area alongside the canal in W.P.Nos.10545 of 2015 & 957 of 2016 and W.P.No.3181 of 2017 dated 06.01.2022 and 27.04.2022 respectively. Therefore, learned Government counsel submits that after visiting the entire canal area, wherever this kind of illegal tapping of water by digging well fitted with motor pump is situated, such connections were to be removed as directed by this Court and therefore the impugned show cause notice was issued by the respondents.



W.P.No.26243 of 2022

7. I have heard the learned counsel for the parties and have perused the materials placed on record.

8. Whatever be the direction issued by this Court, pursuant to which any action the respondents wanted to take by issuing the impugned show cause notice issued on 02.09.2022, the same has been replied by the petitioner on 22.09.2022, where the petitioner raised certain points that the survey number mentioned and the service connection number itself are wrong. Therefore, based on the said wrong information provided in the show cause notice, action cannot be taken against the petitioner and the petitioner's well as well as the motor fitted therein with proper service connection is far away from the prohibited area and therefore the said reply given by the petitioner has to be considered by the respondents and orders have to be passed and till such orders are passed, no precipitative action shall be taken by the respondents.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondents especially respondents 4 and 5 to consider the reply submitted by the petitioner dated 22.09.2022 and pass orders thereon on merits and in accordance with



W.P.No.26243 of 2022

law within a period of four weeks from the date of receipt of a copy of this order. Till such time, no coercive action as apprehended by the petitioner shall be taken by the respondents.

- It is made clear that once an order is passed by the respondents as indicated above, depending upon the outcome of the order, further follow up action can be taken by the respondents in accordance with law.

10. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

28.09.2022

Index : Yes/No
Internet : Yes/No
KST



W.P.No.26243 of 2022

To

- 1 The District Collector
Coimbatore.
- 2 The Deputy Collector
Pollachi Coimbatore District.
- 3 The Divisional Deputy Tahsildar
Pollachi(South) Coimbatore District.
- 4 The Executive Engineer
Public Works Department Water Resource
Department Aliyar Basin Division Pollachi
Coimbatore.
- 5 The Assistant Engineer
Water Resource Departmet Camp Section
Pollachi-642003.
- 6 The Executive Engineer
TANGEDO Pollachi Coimbatore.



WEB COPY



W.P.No.26243 of 2022

R. SURESH KUMAR, J.

KST

W.P.No. 26243 of 2022

28.09.2022