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W.P.No.29791 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.29791 of 2022
and W.M.P.Nos.29183 & 29184 of 2022

1.N.Nataraj
2.N.Balasubramanian

... Petitioners

Vs.

1.The District Collector
Tiruppur district, Tiruppur

2.The Revenue Divisional Officer
Udumalpet Taluk, Tiruppur district

3.The Thasildhar
Udumalpet Taluk
Tiruppur District

4.The Executive Engineer
WRO, PWD, PAP
Tirumurthi Division
Udumalpet, Tirupur District

5.The Assistant Executive Engineer
TANGEDCO
Operation & Maintenance
Udumalai Electricity Distribution Circle
Poolavadi, Tirupur District



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6.The Junior Engineer
TANGEDCO
Operation & Maintenance
Udumalai Electricity Distribution Circle
Poolavadi, Tirupur District

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records from the sixth respondent in is Letter No.EmiPo/E & Pe/Poolavadi/Ko.Katu/A/No.245/22-23 dated 03.11.2022 to quash the same and issue consequential directions to the respondents to follow the procedure in similar order passed by this Court in W.P.No.12582 of 2022 dated 15.06.2022.

For Petitioner : Mr.A.K.Esakkiappan

For Respondents : Mr.Naveenkumar
Govt. Advocate for R1 to R4

Mr.M.Abul Kalam for R5 & R6

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records from the sixth respondent in is Letter No.EmiPo/E & Pe/Poolavadi/Ko.Katu/A/No.245/22-23 dated 03.11.2022 to quash the



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same and issue consequential directions to the respondents to follow the procedure in similar order passed by this Court in W.P.No.12582 of 2022 dated 15.06.2022.

2.The writ petitioner has challenged the impugned order, disconnecting electricity connection in the petitioner's land. It is the case of the writ petitioner that he is drawing water from his own land and there is no violation of the order of this Court. This has in W.P.No.10545 of 2015 dated 06.01.2022 has passed an order without giving any opportunity to the petitioner and without noticing any defects or violation. According to the learned counsel for the petitioner, in similar cases interim orders have been granted by this Court and seeks interim order in this case also.

3.Whereas, the learned counsel for the respondents submitted that the petitioner has violated the directions of this Court and drawing water from the canal illegally, thereby, on the basis of the inspection, impugned order has been passed.



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4.This Court perused the impugned order. The impugned order has been passed as if the petitioner has illegally drawing the water from the canal and utilizing the same. However, in the impugned order there is no reference with regard to the opportunity that was granted to the petitioner while passing the impugned order.

5.Learned counsel for the petitioner would submit that the respondents may conduct inspection in his presence and he may be afforded fair opportunity before passing any orders in this regard.

6.Such view of the matter, as the impugned order has been passed without granting any opportunity to the petitioner, the same is set aside and the respondent shall conduct a fresh inspection after giving due notice and opportunity to the petitioner. If they find any violation or illegal drawing of water from the canal, the respondents are at liberty to pass such order.



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7. With the above direction, the Writ Petition stands allowed. The impugned order passed by the 6th respondent in his Letter No.EmiPo/E & Pe/Poolavadi/Ko.Katu/A/No.245/22-23 dated 03.11.2022 is hereby set aside and a fresh inspection will be conducted within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

10.11.2022
(2/3)

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To

1. The District Collector
Tiruppur district, Tiruppur

2. The Revenue Divisional Officer
Udumalpet Taluk, Tiruppur district

3. The Thasildhar
Udumalpet Taluk
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N.SATHISH KUMAR, J.

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