



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.22268, 21751, 21752, 21753 & 22269 of 2017
and

W.M.P.Nos.22762, 22763, 22764, 23374 & 23375 of 2017

W.P.No.22268 of 2017

Pavathal

.. Petitioner

Vs.

1. The District Collector,
Erode District.

2. The Thasildar,
Erode.

3. The Assistant Executive Engineer,
Tamilnadu Electricity Distribution Circle,
Mettukadai, Erode.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents from disturbing the petitioner from taking water from his bore well situated in R.S.No.49/1 of Royapalayam Village, Erode Taluk, Erode District and supplied it to feed the cattle and to irrigate the coconut trees belongs to the relatives and friends of the petitioner herein.

WP.No.21751 of 2017:-

T.Devaraj

... Petitioner

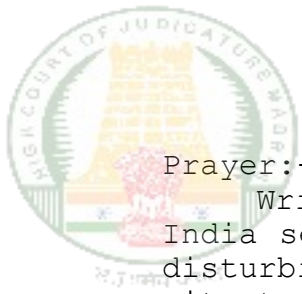
Vs

1 The District Collector
Erode District

2 The Tahsildar
Erode.

3 The Assistant Executive Engineer,
Tamilnadu Electricity Distribution Circle,
Perundurai Erode.

...Respondents



Prayer:-

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mamdamus forbearing the respondents from disturbing the petitioner from taking water from his bore well situates in R.S.No. 125/1 of Kathirampatti village and supplied it to feed the cattle and to irrigate the coconut trees belongs to the relatives and friends of the petitioner herein.

WP.No.21752 of 2012:-

Vijaya Shanmugam

..Petitioner

Vs

1 The District Collector
Erode District.

2 The Tahsildar
Erode.

3 The Assistant Executive Engineer,
Tamilnadu Electricity Distribution Circle,
Perundurai Erode.

..Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mamdamus forbearing the respondents from disturbing the petitioner from taking water from his bore well situates in R.S.No. 66/6 of Kathirampatti village and supplied it to feed the cattle and to irrigate the coconut trees belongs to the relatives and friends of the petitioner herein.

WP.No.21753 of 2017:-

Annalakshmi

.. Petitioner

Vs

1 The District Collector
Erode District

2 The Tahsildar
Erode.

3 The Assistant Executive Engineer,
Tamilnadu Electricity Distribution Circle,
Perundurai Erode.

.. Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mamdamus forbearing the



respondents from disturbing the petitioner from taking water from his bore well situated in R.S.No. 19 of Kathirampatti village and supplied it to feed the cattle and to irrigate the coconut trees belongs to the relatives and friends of the petitioner herein.

WP.No.22269 of 2017:-

N.T.Selvaraj

..Petitioner

Vs

1 The District Collector
Erode District.

2 The Tahsildar
Erode.

3 The Assistant Executive Engineer,
Tamil Nadu Electricity Distribution Circle,
Mettukadai, Erode.

..Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mamdamus forbearing the respondents from disturbing the petitioner from taking water from his bore well situated in R.S.No.18 of Kathirampatti village and supplied it to feed the cattle and to irrigate the coconut trees belongs to the relatives and friends of the petitioner herein.

For Petitioner : Mr.I.C.Vasudevan
in all Wps.

For Respondents 1 & 2 : Mr.S.Premkumar
in all Wps Government Advocate

For Respondent 3 : Mr.Abul Kalam
in all WPs

C O M M O N O R D E R

These writ petitions have been filed seeking a direction to the respondents not to disturb the petitioners from taking water from their respective bore wells situated in R.S.No.49/1, Royapalayam Village, Erode Taluk, R.S.No.125/1, R.S.No.66/6, R.S.No.19 and R.S.No.18, Kathirampatti Village, Erode respectively.



2. According to the petitioners, they are having bore wells in the above said survey numbers and also got electricity service connection and they are taking water for irrigating standing coconut trees, feeding cattle, also they are supplying water to their close relatives and friends. However, the respondents are preventing the petitioners from taking water on the ground that they are using the water for commercial purpose and hence the present writ petitions have been filed.

3. The second respondent Tahsildar filed a detailed counter affidavit alleging that, all the petitioners are pumping and selling water commercially to the Mineral Water companies and factories thereby affecting the ground water and also causing scarcity of drinking water in that area. Earlier a complaint has been filed before the District Collector by an association called Iyarkai Valam Mettrum Perumpalla Odai, Padhukapu Nala Sangam seeking a direction to disconnect the electricity service connection provided to them. Based on the complaint, the District Collector passed an order dated 11.11.2019, stating that as per the Government Order in G.O.Ms.No.52, Public Works (R2) Department, dated 02.03.2012, the above said village comes under 'critical' category and so drawing of water would affect the livelihood of the public, hence it is ordered to disconnect the Electric Service Connection in respect of six persons including two petitioners herein.

4. Thereafter, the above said association filed another writ petition seeking for a direction preventing persons from drawing water for commercial purpose. As the electricity service connection has already been disconnected, the said writ petition was closed. It is further stated that the petitioners are drawing water from the bore well through electric motor and selling the same for commercial purpose and it is causing scarcity of drinking water in that area and that area has also been declared as a 'critical' area by the Government. In the above circumstances, the petitioners cannot be permitted to draw water for commercial purpose.

5. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents and also perused the materials available on record.

6. Considering the fact that already the area has been declared as a critical area and the service connections of the petitioners have already been disconnected and it is alleged



that the petitioners are selling water for commercial purpose and the claim of the petitioners is not bona fide, I find no merit in the writ petitions and the same are liable to be dismissed and accordingly dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Erode District.
2. The Thasildar,
Erode.
3. The Assistant Executive Engineer,
Tamilnadu Electricity Distribution Circle,
Mettukadai, Erode.
4. The Assistant Executive Engineer,
Tamil Nadu Electricity Distribution Circle,
Perundurai, Erode.

+lcc to the Government Pleader, S.R.No.16291

W.P.Nos.22268, 21751, 21752,
21753 & 22269 of 2017
and
W.M.P.Nos.
22762, 22763, 22764, 23374 & 23375 of 2017

MT(CO)
SU(19/05/2022)