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W.P.Nos.7975, 7977 and 7980 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15.03.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.Nos.7975, 7977 and 7980 of 2023**

|                   |                                 |
|-------------------|---------------------------------|
| M.Nataraj         | ... Petitioner in W.P.7975/2023 |
| S.Vanjinathan     | ... Petitioner in W.P.7977/2023 |
| R.Venkatesamurthy | ... Petitioner in W.P.7980/2023 |

Vs.

- 1.The Zonal Deputy Tahsildar,  
Pollachi (North),  
Coimbatore District.
- 2.The Assistant Engineer,  
Water Resource Organization,  
Public Works Department,  
Canal Zone – 3,  
Negamam, Pollachi Taluk,  
Coimbatore District.
- 3.The Assistant Electrical Engineer,  
Tamil Nadu Generation and  
Distribution Corporation,  
Negamam, Pollachi Taluk,  
Coimbatore District. ... Respondents in all the W.Ps.

**Prayer in W.P.No.7975 of 2023:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from taking any coercive action pursuant to the undated notice of the respondents



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respect to the land of the petitioner at S.No.45/18A, Avalappampatti Village, Pollachi Taluk, Coimbatore District affecting the uninterrupted supply of water drawn from the well owned by the petitioner in S.No.45/18A, Avalappampatti Village, Pollachi Taluk, Coimbatore District for irrigation purpose.

**Prayer in W.P.No.7977 of 2023:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from taking any coercive action pursuant to the undated notice of the respondents with respect to the land of the petitioner at S.No.27/5C, Kondegoundapalayam Village, Pollachi Taluk, Coimbatore District affecting the uninterrupted supply of water drawn from the well owned by the petitioner in S.No.27/5C, Kondegoundapalayam Village, Pollachi Taluk, Coimbatore District for irrigation purpose.

**Prayer in W.P.No.7980 of 2023:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from taking any coercive action pursuant to the undated notice of the respondents



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respect to the land of the petitioner at S.No.18/1B, Kondegoundapalayam Village, Pollachi Taluk, Coimbatore District affecting the uninterrupted supply of water drawn from the well owned by the petitioner in S.No.18/1B, Kondegoundapalayam Village, Pollachi Taluk, Coimbatore District for irrigation purpose.

For Petitioners : Mr.Gowthaman  
Senior Counsel  
for M/s.S.Karpagapriya

For Respondents : Mr.M.Alagu Goutham for R1 and R2  
Government Advocate  
Mr.L.Jaivenkatesh for R3

### **COMMON ORDER**

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus forbearing the respondents from taking any coercive action pursuant to the undated notice of the respondents with respect to the land of the petitioners at Pollachi Taluk, Coimbatore District affecting the uninterrupted supply of water drawn from the well owned by the petitioners for irrigation purpose.

2.The case of the petitioners is that the petitioners are Ayacutdars in the Parambikulam – Aliyar Project and after obtaining



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appropriate permission constructed pipelines crossing over the Parambikulam Main Canal and drawing water for agricultural purpose and are also paying necessary track rent and electricity bills. Whiles, suddenly the respondents issued undated show cause notice asking the petitioners to show cause why the electricity supply to their lands should not be terminated and police complaint should not be lodged against them. Hence, these writ petitions.

3.The learned Senior Counsel appearing for the petitioners submitted that the petitioners after obtaining appropriate permission erected pipelines crossing over the Parambikulam Main Canal and drawing water for agricultural purpose, however, the respondents issued show cause notice calling upon the petitioners to show cause why the electricity supply to their lands should not be terminated and police complaint should not be lodged against them.

4.The learned Senior Counsel appearing for the petitioners further submitted that since only show cause notice has been issued to the petitioners, this Court may grant liberty to the petitioners to canvass all the points by way of explanation within a stipulated time frame and issue direction to the second respondent to consider the



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explanation, conduct enquiry and to pass appropriate orders and this Court may further direct the respondents not to take any coercive steps as against the petitioners, till such time.

5.The learned Government Advocate appearing for the respondents 1 and 2 raise no serious objection for this Court considering the request now made by the learned counsel appearing for the petitioners.

6.This Court in a catena of judgments has held that show cause notice cannot be challenged at the threshold. Hence the relief sought for in these writ petitions cannot be granted.

7.However, considering the limited relief now sought for by the learned Senior Counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, grant liberty to the petitioners to submit appropriate explanation before the District Monitory Committee, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the explanation submitted by the petitioners, the respondents shall consider the same, conduct enquiry, on merits and in accordance with law and



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pass appropriate orders, within a period of six weeks thereafter. Till such time, the respondents shall not take any coercive steps as against the petitioners.

8. These writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

**15.03.2023**

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Zonal Deputy Tahsildar,  
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Water Resource Organization,  
Public Works Department,  
Canal Zone – 3,  
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**M.DHANDAPANI,J.**  
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