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W.P.No.23457 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

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

W.P.No.23457 of 2019
and
W.M.P.No.23240 of 2019

1. N.R.Natarajan
2. N.Suresh Kumar ...Petitioners

Vs.

1. The Commissioner of Land Administration
and Additional Chief Secretary,
Ezhilagam,
Kamarajar Promenade, PWD Estate,
Chepauk, Triplicane, Chennai - 600 005.
2. The District Revenue Officer (Land Administration),
The Office of the District Collector,
Erode District, Collector Office,
Erode - 638 011.
3. The Tahsildar,
Sathyamangalam, Erode District.
4. The Assistant Engineer,
TANGEDCO,
Gobi Electricity Distribution Circle,
Rajan Nagar, Sathyamangalam Taluk,
Erode District - 638 401.
5. The District Collector,



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Erode District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Letters of the 4th respondent herein in No.062/19-20 dated 02.08.2019 & No.065/19-20 dated 05.08.2019, to disconnect the Electricity Connection in 04-362-007-91 of the Petitioners herein pertaining to the well in S.F.No.123/1 in Kothamangalam Village, Sathyamangalam Taluk and to quash the same and consequently to direct the 4th respondent herein not to disconnect the Electricity connection 04-362-007-91 without giving due opportunity to the Petitioners in appropriate proceedings.

For Petitioners : Mr.S.A.Mohamed Mubarak

For Respondents : Mr.K.M.D.Muhilan, AGP, for R1-R3 & R5
: Mr.I.Syed Sibghatulla, for R4

ORDER

The petitioners have come up with this Writ petition seeking quashment of the letters of the 4th respondent bearing No.062/19-20 dated 02.08.2019 & No.065/19-20 dated 05.08.2019 and to consequently direct the 4th respondent not to disconnect the Electricity connection 04-362-007-91, without giving due opportunity to the Petitioners.



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2. The case of the petitioners is that, they are the owners of the agricultural lands comprised in S.F.No.77/2, situated at Kothamangalam Village, Sathyamangalam Taluk and the petitioners herein are carrying out irrigation in the said land by drawing water from the well situated in S.F.No.123/1, for which necessary track permit dated 15.06.1990 was provided by the respective DRO to one Govindaraj, who is the predecessor in title of the petitioners. While so, the 2nd respondent, vide proceedings dated 03.05.2008, cancelled the track permit dated 15.06.1990, against which, the petitioners' vendors filed an appeal before the 1st respondent, who in turn set aside the cancellation order of the 2nd respondent and remanded the matter back to the 2nd respondent. However, the 2nd respondent, once again, cancelled the track permit, vide order dated 15.03.2018 bearing Na.Ka.No.16230/2017/A1, against which the petitioners preferred an appeal before the 1st respondent, however, the 1st respondent, vide proceedings dated 18.06.2019 bearing Proc.No.E2/7202/2018, affirmed the cancellation order of the 2nd respondent, on the ground that, the petitioners have violated the track permit by drawing water into the well directly from the Bhavani river and held that, the sale of track permit dated 15.06.1990 to the petitioners, vide sale deed dated 14.11.2016 is invalid and



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subsequently directed the District Collector to ensure that laid pipelines are unearthed and Government lands are protected and drawal of water in Bhavani river needs to be prohibited.

3. Aggrieved by the above said order of the 1st respondent, the petitioners filed a Writ petition in W.P.No.21116 of 2019. In the mean time, the 4th respondent, vide letter dated 02.08.2019, informed the petitioners that the Tahsildhar, Sathyamangalam has ordered for disconnection of S.C.No.04-362-007-525, connected to the Well in S.F.No.123/1 and the said connection will be disconnected within 7 days, however, it is pertinent to note that the said Service connection belongs to the petitioners' land in S.F.No.77/2 and not the Well in S.F.No.123/1. Subsequently, the 4th respondent, vide letter dated 05.08.2019 informed the petitioners with regard to disconnection of Electricity connection in respect of the well in S.F.No.123/1, by mentioning the corrected Service connection number. When the above said Writ petition was pending, the 4th respondent has passed the present impugned orders, which is not sustainable. Hence, the petitioners have come up with this Writ petition.



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4. Learned counsel for the petitioners submitted that, during the pendency of this Writ petition, the above said Writ petition in W.P.No.21116 of 2019 along with other connected matters were allowed, vide order of this Court dated 24.08.2022 and the orders of the 1st and 2nd respondents were set aside and the petitioners were permitted to relay the pipeline as it was in existence. Therefore, when the original orders of the 1st and 2nd respondents were set aside by this Court, the subsequent letters of the 4th respondent cannot be allowed to subsist. Hence, he prayed for allowing this Writ petition.

5. On the above said contentions, heard learned counsel appearing for the respective respondents and perused the materials available on record.

6. The present impugned orders/letters have been issued by the 4th respondent pursuant to the orders of the 1st & 2nd respondents dated 18.06.2019 & 15.03.2018 respectively, cancelling the track permit dated 15.06.1990. However, a perusal of the material documents placed on record, particularly the order of this Court dated 24.08.2022 made in W.P.No.21116 of 2019 reveals that, the said orders of the 1st and 2nd respondents dated



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18.06.2019 and 15.03.2018 respectively have already been set aside by this Court.

7. In view of the same, the present impugned letters/orders of the 4th respondent dated 02.08.2019 and 05.08.2019, passed subsequent to the above said orders of the 1st and 2nd respondents does not have any legal standing and, accordingly the same is liable to be set aside.

8. With the above observations and directions, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

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To

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