



WEB COPY

W.P.No.30426 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30426 of 2017

The President,
Sunnath Jamath Masjeeth
Rep. by P.A.Shahabudeen
S/o. Abdul Raseed,
Perunthalaiyur Post – 638315
Sakthi Nagar, Erode District.

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board (TANGEDCO)
No.800, Anna Salai,
Chennai – 600 003.
- 2.The Chief Engineer
Operation and Maintenance / Urban,
Erode Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd., Erode – 638 009.
- 3.The Superintending Engineer,
Operation and Maintenance / Urban,
Erode Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd., Erode – 638 009.



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4. The Executive Engineer,
Operation and Maintenance / Urban,
Erode Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd., Erode – 638 009.

5. The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Erode Electricity Distribution Circle,
Kavundapadi – 638 455, Erode District.

6. The Assistant Engineer,
Operation and Maintenance / East,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Erode Electricity Distribution Circle,
Perunthalaipur – 638 315, Erode District.

7. M. Ayyasamy

8. The Executive Engineer
Public Works Department,
Irrigation Division,
Water Resource Organization,
Bhavani Sagar Dam Post,
Erode – 638 451.

9. The Assistant Executive Engineer
Public Works Department,
Irrigation Division,
Water Resource Organization,
Gobichettipalayam East Post,
Erode – 638 452.



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10. The Assistant Engineer
Public Works Department,
Irrigation Division,
Water Resource Organization,
Gobichettipalayam East Post,
Erode – 638 452.

... Respondents

[R7 impleaded as per order dated 20.12.2017 in
WMP.No.34821 of 2017 in WP.No.30426 of 2017]

[R8 to R10 impleaded vide order dated 05.12.2022 made
in WMP.No.20462 of 2022 in WP.No.30426 of 2017]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to take action to disconnect the electricity connection number Sc.No.019-005-778 in R.S.No.358, Perunthalaiyur Village, Bhavani Taluk as per the proceedings of the Executive Engineer, Public Works Department dated 23.10.2017 in Ka.No.Va.Pa./E.va.aa.2/ Ko.19(B)/ 376M/ 2017.

For Petitioner	: Mr.V.Subramaniam For Mr.SP.Yuaraj
For R1 to R6	: Mr.I.Syed Sibghatulla Standing Counsel [For TANGEDCO]
For R7	: Mr.N.Manokaran
For R8 to R10	: Mr.Abishek Murthy Government Advocate



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ORDER

The relief sought for in the present writ petition is to direct the respondents to take action to disconnect the electricity connection number Sc.No.019-005-778 in R.S.No.358, Perunthalaiyur Village, Bhavani Taluk as per the proceedings of the Executive Engineer, Public Works Department dated 23.10.2017.

2. The grievance of the writ petitioner is that the 7th respondent is misusing the free electricity service connection provided for agricultural purposes. The petitioner has already found violating the rules relating to usage of free electricity service connection for agricultural purposes and more so, he was imposed with fine in the year 2015. Since the 7th respondent is a frequent violator, his connection is to be disconnected.

3. The learned counsel appearing on behalf of the 7th respondent states that the fine amount was paid for providing water to the neighbouring agricultural land during the acute short and the said violation was committed in the year 2015 and the petitioner paid the fine amount.



4. The learned Government Advocate appearing on behalf of the respondents 8 to 10 made a submission that an inspection was conducted on 12.07.2017 and the violations were continuing at that point of time.

5. The learned Standing Counsel appearing on behalf of the Electricity Board also made a submission that certain violations are found during the relevant point of time. Almost five years lapsed. This being the factum, the official respondents of the Electricity Board and the Public Works Department authorities are directed to conduct a fresh inspection into the agricultural land of the 7th respondent and if any violations are continuing, then initiate all appropriate action in the manner known to law.

6. With the above directions, the Writ petition stands disposed of. No costs.

17.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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Water Resource Organization,
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Erode – 638 452.

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