



W.P.No.12351 and 1665 of 2021

M.DHANDAPANI, J.

These matters are listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that this Court, by an order dated 06.09.2024, disposed the writ Petitions by way of consent order and there is an typographical error mentioned in paragraph Nos.3 and 5. Therefore, the learned counsel prays to make necessary corrections and to issue fresh order copy.

3. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to modify the order as follows:

"3. Though very many grounds have been raised in the present writ petitions, learned counsel for the petitioners submits that pursuant to the directions issued by this Court, the petitioners representation was considered and the impugned order has been passed by the first respondent stating that the said issue will not come within his domain. Challenging the same, another writ petition in W.P.No.1665 of 2021 has been filed. Subsequently, the petitioners made another representations dated 11.03.2021 and 26.03.2021 seeking a direction to the official respondents to take action for the illegal service connection effected in favour of the private respondent.



4. *The learned Government Advocate appearing for the respondents submitted that the dispute between the parties is purely civil in nature, which cannot be decided before this court by filing the writ petitions. The petitioners have to approach the competent forum with regard to the right over the subject property. Without doing so, the petitioners have filed the writ petitions before this Court, which is not sustainable and therefore, the learned counsel seeks to dismiss the same.*

5. *Heard the respective counsel appearing on either side and perused the materials placed on record.*

6. *The facts of the case are not in dispute. Since it is a dispute with regard to the subject properties in question, which is purely civil in nature, the petitioners has to approach the competent Forum to work out their remedy and not before this Court by way of a writ petition under Article 226 of the Constitution of India. Under these circumstances, this Court cannot pass any order in both the writ petitions.*

7. *Considering the fact and circumstances of the case, this Court, without going into the merits of the case, permit the petitioners to file a suit against the private respondents before the competent forum for establishment of their right over the subject properties. If the petitioners*



file a suit, the concerned Judge, shall decide the issue on merits, as expeditiously as possible.

8. With the above directions, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

4. Except the above modification, remaining portion of the order dated 106.09.2024 shall stand unaltered.

5. Registry is directed to carry out the necessary correction as aforesaid in the order dated 06.09.2024 and issue fresh copy of the order to the learned counsel for the parties.

06.09.2024

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M.DHANDAPANI, J.

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W.P.No.12351 and 1665 of 2021

12.12.2024



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.12351 and 1665 of 2021

and

W.M.P.Nos.1874, 15230 and 13121 of 2021

M.Arulmurugan

...Petitioner in W.P.No.12351 of 2021

1. M.Arulmurugan
2. Srikrishna Priya
3. Nallasamy
4. S.Thangam
5. R.Maarasamy

...Petitioners in W.P.No.1665 of 2021

Vs.

1. The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Bhavani, Erode District.
2. The Assistant Executive Engineer,
Public Works Department,
Anthiyur, Erode District.
3. The Executive Engineer,
TANGEDCO, Gopichettipalayam,
EDC, Gobi
Erode District.
4. The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Erode Zone,
Erode.

5. N.Subramani



6. E.Thavasiappan

7. Ramasamy

8. Chellamuthu

...Respondents in W.P.No.12351 of 2021

1. The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Bhavani, Erode District.
2. The Assistant Executive Engineer,
Public Works Department,
Anthiyur, Erode District.
3. The Assistant Executive Engineer,
Highways and Rural Works Department,
Anthiyur, Erode District.

4. N.Subramani

5. P.Vadivel

...Respondents in W.P.No.1665 of 2021

Prayer in W.P.No.12351 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to take appropriate action for disconnecting the electric service connection respect of connection numbers 311-004-1739, 311-007-988, 311-004-1740 and 311-004-1741 stands in the name of respondents 5 to 8 in respect of the well situate at Kupbandampalayam Village in Re-survey No.382/2, Athani Zone, Anthiyur Taluk, Erode District except the petitioner's connection.

Prayer in W.P.No.1665 of 2021: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent dated 12.11.2020 made in Se.Mu.No.02/2020/E.Ni.ovu/dated 12.11.2020 and to quash the same, consequently direct the respondents 1 to 3 to prevent the respondents 4



and 5 from installing additional water connection from the fifth pumping station laid from the water pipe line drawn in the well situate at Kupandampalayam Village in Re-survey No.185/4, 112/2A2 and Nagalur Village in Re-survey No.382/2, Athani Zone, Anthiyur Taluk, Erode District except the petitioners connection.

In W.P.No.12351 of 2021

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.K.Karthikeyan, GA for R4
Mr.L.S.M.Hasan Fizal, AGP for R1 and R2
Mr.C.Munusamy for R5
Mr.I.Syed Sibghathulla for R3

In W.P.No.1665 of 2021

For Petitioners : Mr.C.Prabakaran

For Respondents : Mr.L.S.M.Hasan Fizal, AGP for R1 and R3
Mr.C.Munusamy for R4 and R5

COMMON ORDER

The issue involved in the present writ petitions are one and the same, they are disposed of by way of this common order.

2. According to the petitioners, they are the owners of the agricultural lands situated in the near vicinity of Nagalur Village. However, the petitioners and two others were approved to draw water from the fifth pumping station. In



form the fifth pumping station without any iota of right and were trying to deprive the rights of the petitioners. Whiles, the petitioners sent a detailed representation on 08.09.2020 to the official respondents requesting them to prevent the said act of the private respondents. Since no action has been taken by the authorities, the petitioners have filed a writ petition before this Court in W.P.No.13940 of 2020 seeking a direction to the respondents 1 to 3 therein consider their representation dated 08.09.2020 and the same was disposed of vide order dated 05.10.2020 directing the respondents 1 to 3 therein to consider the said representation within a period of four weeks from the date of said order, pursuant to which the first respondent herein has passed the impugned order dated 12.11.2020 stating that said issue does not fall within his domain. Challenging the same, W.P.No.1665 of 2021 has been filed. Subsequently, the petitioners have also sent representations before the official respondents seeking to take action against the private respondents to disconnect their service connections. Since no action has been taken, W.P.No.12351 of 2021 has been filed.

3. Though very many grounds have been raised in the present writ petitions, learned counsel for the petitioners submits that pursuant to the directions issued by this Court, the petitioners representation was considered and



issue will not come within his domain. Challenging the same, another writ petition in W.P.No.1665 of 2021 has been filed. Subsequently, the petitioners made another representations dated 11.03.2021 and 26.03.2021 seeking a direction to the official respondents to take action for the illegal service connection effected in favour of the private respondent. He further submitted that since the issue involved is interconnected between the petitioners and the private respondents, the learned counsel for the petitioners restricted his prayer and sought permission of this Court to grant liberty to the respective petitioners to canvass all their grievances before the competent civil Court.

4. Heard the respective counsel appearing on either side and perused the materials placed on record.

5. In the light of the submission made by the learned counsel for the respective petitioners, this Court grants liberty to the petitioners to canvass all their grievances before the competent civil Court as against the private respondents in a manner known to law.

6. With the above observation and direction, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

06.09.2024

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Index

: Yes/No

Speaking order

: Yes/No



: Yes/No

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- To:
1. The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Bhavani, Erode District.
 2. The Assistant Executive Engineer,
Public Works Department,
Anthiyur, Erode District.
 3. The Executive Engineer,
TANGEDCO, Gopichettipalayam,
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Highways and Rural Works Department,
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