



W.P.No.20892 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20892 of 2021

and

W.M.P.Nos.22160 & 22161 of 2021

N.Perumal

...Petitioner

-Vs-

1.The Chairman,
Tamilnadu Electricity Board,
800, Anna Salai,
Chennai

2.The District Collector,
Tiruppur District,
Tiruppur

3.The Executive Engineer,
Public Works Department,
Water Resource Department,
Thirumoorthy Division,
Udumalpet,
Tiruppur District.



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4.The Executive Engineer
(Operation and Maintenance),
Palladam Electricity Distribution Circle,
Tamilnadu Generation and Distribution
Corporation Limited,
Kangayam,
Chennimalai Road,
Tiruppur District

5.The Assistant Engineer
(Operation and Maintenance),
Tamilnadu Generation and Distribution
Corporation Limited,
Ollapalayam,
Kangayam Taluk,
Tiruppur District

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Letter No.Va.A/File 10C/2021 dated 27.08.2021 passed by the 3rd respondent, quash the same and consequently forbear the respondents from interfering with the petitioner's right to take water during his turn from the PAP canal to irrigate his lands in R.S.No.184(Old S.F.No.399) of Pachapalayam Village, Kangayam Taluk, Tiruppur District.

For petitioner : Mr.N.Manokaran

For Respondents 2 & 3 : Mr.E.Vijay Anand
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 27.08.2021 thereby issued direction to disconnect the electricity service connection for damaging the water canal and also directed to register FIR.

2. The petitioner owned property admeasuring 4.72 acres comprised in R.S.No.184 (old S.F.No.399) situated at Pachapalayam Village, Kangayam Taluk. The petitioner had constructed house and also obtained one Electricity Service Connection to his house in S.C.No.091-003-1497. The land is coming under the Ayacut of Parambikulam-Aliyar Project (PAP). The respondents laid a concrete canal in and over his land comprised in R.S.No.184. The 3rd respondent constructed a outlet No.16 in his land and it provided a shutter on the western side of the outlet to irrigate his land. The remaining portions are being irrigated with the help of an outlet No.15 which is located in the land of his neighbour. However, there is damages in the water canal it resulted in leakage and seepage of water.



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3. On perusal of the photographs revealed that the damages are not man made and because of the poor maintenance of the water canal. While being so, there was direction issued to form a committee in order to maintain the water canal if anybody drawing water illegally their electricity connection also disconnected. As per the said direction, now the electricity connection of the petitioner has been disconnected. In view of the above, as per interim direction issued by this Court, the service connection of the petitioner's well had already restored. That apart, even before disconnecting the electricity connection, the petitioner was not served with any notice and he was not heard. Therefore, it is also clear violation of principles of natural justice.

4. In view of the above, disconnection of electricity service connection alone quashed. It is unless to say that the petitioner can draw water for irrigating his land on the condition that the water canal should not be damaged at any cost by the petitioner.



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5. In view of the above, this writ petition is partly allowed.

Consequently, connected miscellaneous petitions are closed. No costs.

23.04.2024

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn



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