



W.P. No.19284 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM:

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P. No.19284 of 2020

and

W.M.P. No.23875 of 2020

E.R. Palanisamy

.... Petitioner

VS.

1. The District Collector,
Erode District, Erode.

2. The Revenue Divisional Officer,
Erode.

3. The Tahsildar,
Erode Taluk,
Erode District.

4. The Superintending Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Gopichettipalayam Distribution Circle,
Gopichettipalayam,
Erode District.

5. The Junior Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Gopichettipalayam Distribution Circle
Kaligraayanpalayam – 638 316.
Erode Taluk and District.



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6. E.P. Balasubramaniam

.... Respondents

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Prayer : Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 5th respondent dated 21.11.2020 in letter No.Ka.N-U.MI.PO/E&PE/Ka.Pa/EN.242 and to quash the same and consequently direct the 5th respondent to restore the agricultural electricity service connection No.341-019-1664 in the thuravu well with 3HP Pump set situated in Survey No.808/1, Bhavani river bed, Elavamalai Village, Erode Taluk and District.

For Petitioner : Mr.C.S. Saravanan

For Respondents 1 to 3 : Mr.U.Baranidaran
Additional Government Pleader

For Respondents 4 & 5 : Mr.I. Syed Sibghatulla
Standing Counsel

For Respondent 6 : Mr.M.Guruprasad

ORDER

This writ petition has been filed challenging the order passed by the 5th respondent dated 21.11.2020 thereby disconnected the electricity service connection provided to the petitioner for his land comprised in S.No.808/1, Bhavani river bed, Elavamalai Village, Erode Taluk and District.



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2. On perusal of the records revealed that on the strength of the order passed by the first respondent and as directed by the first respondent, the fifth respondent disconnected the electricity service connection provided to the petitioner.

3. The 6th respondent filed counter and produced the order passed by the first respondent dated 02.07.2020 on the complaint lodged by the 6th respondent. The first respondent conducted detailed enquiry alleging that the petitioner encroaching the river poramboke comprised in R.S.F.No.808/1 and obtained electricity service connection. On the said enquiry, the 1st respondent found that the petitioner illegally encroached the land and also illegally obtained electricity service connection. Therefore, the first respondent directed the fifth respondent to disconnect the electricity service connection provided to the petitioner. Therefore, it is not the impugned order and it is a consequential order as directed by the first respondent.



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4. It is also pertinent to mention that in view of the order passed by the Hon'ble Division Bench of this Court in W.P.No.15095 of 2018 and W.P.No.17399 of 2017 dated 22.01.2019 and 15.11.2017 respectively, the first respondent is directed to act upon the said order. However, the petitioner is at liberty to challenge the order passed as against the petitioner in the manner known to law.

5. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
gvn



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To

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G.K. ILANTHIRAIYAN, J.

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