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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.22906 of 2024
and WMP.No.24945 of 2024

S.Muthusamy

... Petitioner

Vs.

1. The Sub Collector/
Joint Action Committee Chairman,
Tiruppur.

2. The Tahsildar,
Palladam Taluk.

3. The Executive Engineer (O&M)
TANGEDCO,
Palladam Distribution Circle,
Palladam.

4. The Executive Engineer,
Water Resources Department,
Parambikulam Azhiyar Division,
Pollachi.

5. The Assistant Executive Engineer,
Water Resources Department,



Parambikulam Azhiyar Sub Division,
Palladam.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings in Pa.Mu.No.2102/2024/A1 dated 19.06.2024 and quash the same and thereby forbear the 3rd respondent from disconnecting the agricultural service connection in service connection No.234-005-929 in pursuance of the above impugned order of the first respondent.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.L.Jaivenkatesh R3

Mr.LSM.Hasan Fisal, AGP RR1,2,4 & 4

ORDER

This Writ Petition has been filed seeking to quash the order passed by the first respondent in his proceedings in Pa.Mu.No.2102/2024/A1 dated 19.06.2024 and thereby, forbear the 3rd respondent from disconnecting the agricultural service connection in service connection No.234-005-929 in pursuance of the above impugned order of the first respondent.

2. It is the case of the petitioner that he is the owner of the agricultural lands in S.No.36 – 5.49 acres and 47 -2.13 acres at Vavipalayam Village. On the basis of the permission, the petitioner laid pipeline and taking water for more than 25 years. On 30.05.2024, the 4th



respondent has issued order cancelling the permission granted to the petitioner and he was not served any showcause notice and no enquiry was conducted by the 4th respondent. The Assistant Engineer has issued letter subsequent to the order passed by the 4th respondent on 12.06.2024 directing the petitioner to remove the pipeline within a period of seven days. Challenging the said order, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that without providing any opportunity, the respondent passed an order and directed to disconnect the electricity service connection which was owned by the petitioner. This Court, without interfering with the impugned order, may directing the respondents to give electricity connection to the petitioner within the stipulated time as fixed by this Court.

4. The learned Standing Counsel appearing for the respondents submitted that the petitioner has been illegally taking water from the well which is situated in the Government Poromboke contrary to the order in W.P.no.10545/2015 dated 19.06.2024. Hence, this Court may dismiss the writ petition.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this court directs the petitioner to make his objection before the 4th respondents along with a copy of this order within a period two weeks from the date of receipt of a copy of this order. Upon receipt of such objection, the 4th shall consider and pass orders on the petitioner's objection after providing opportunity to him within a period of two weeks, thereafter.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2024

To

1. The Sub Collector/
Joint Action Committee Chairman,
Tiruppur.



2. The Tahsildar,
Palladam Taluk.

3. The Executive Engineer (O&M)
TANGEDCO,
Palladam Distribution Circle,
Palladam.

4. The Executive Engineer,
Water Resources Department,
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Pollachi.

5. The Assistant Executive Engineer,
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M.DHANDAPANI,J.

Rli

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