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W.P. No.13626 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.06.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.13626 of 2023
and
W.M.P. No.13302 of 2023

Selvaraj

..Petitioner(s)

Vs

1. The District Collector
Tiruppur, Tiruppur District.
2. The Revenue Divisional Officer /
Head of Joint Filed Inspection Committee,
Dharapuram, Tiruppur District.
3. The Assistant Executive Engineer
Public Welfare Department (WRO)
Palladam Sub Division, Tiruppur District.
4. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Dharapuram, Tiruppur District.
5. The Assistant Engineer
Operation and Maintenance,
Tamil Nadu Generation and Distribution
Corporation Limited,
Dharapuram,
Tiruppur District.



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6. The Tahsildar
Dharapuram, Tiruppur District.

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..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari to call for the records of order dated 19.01.2023 vide proceedings in Na.Ka. No.2050/2022/ A on the file of 2nd respondent and quash the same.

For Petitioner : Mr.K. Myilsamy

For Respondents : Mr. C. Prabakaran
Government Counsel

ORDER

Seeking to quash the order passed by the 2nd respondent dated 19.01.2023 in Na.Ka. No.2050/2022/A, this writ petition has been filed.

2. Short facts :-

a) It is stated that the petitioner is an agriculturists, owns an agricultural land measuring one acre in the Survey No.227/1 situated at Jothimapatti Village, Tiruppur District by virtue of Sale deed dated 30.11.2017. It is further stated that he cultivating agricultural lands with the aid of irrigation from the said Well, for which an electricity service connection had been granted by the respondents long ago. It is the contention of the petitioner that the subject Well



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was in existence even prior to the formation of the Parambikulam Aliyar Project

(PAP) Water Canal and that he has been cultivating crops and maintaining trees by utilizing the water drawn from the said well.

b) The grievance of the petitioner is as against the proceedings of the 2nd respondent dated 19.01.2023, a show cause notice was issued by the 2nd respondent alleging that the petitioner's Well was situated within the prohibited distance from the canal. He submitted his explanation specifically stating that the Well was an existing one and was not a newly dug borewell. According to the petitioner, without properly considering the explanation and the relevant materials, the impugned order has been passed directing the electricity authorities to disconnect the electricity service connection provided to the petitioner's Well. Hence this writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that the petitioner owns agricultural lands adjacent to the PAP Canal and has been utilizing the Well for irrigation purposes for more than eight decades. The respondents have erroneously proceeded as though the petitioner had newly dug an electrical borewell within the prohibited distance from the canal.

4. It is the argument of the learned counsel that the 2nd respondent has no jurisdiction or authority to direct disconnection of the electricity service

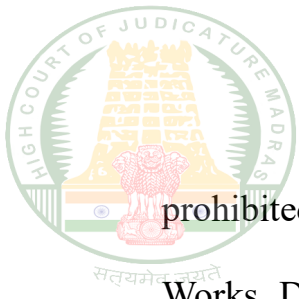


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connection. He strongly argued that without issuing any notice to the petitioner before proceeding to measure the distance from the canal, the impugned order has been passed. He further submitted that G.O. Ms.No.2261, Public Works Department dated 03.11.1967 cannot be retrospectively applied so as to deprive the petitioner of his pre-existing rights. Finally he submitted that the impugned order dated 19.01.2023 has been passed without properly considering the explanation submitted by the petitioner and without assigning adequate reasons for rejection of the same.

5. It is the further submission of the learned counsel that in an identical issue viz., in W.P. No.3181 of 2017 etc. batch, by order dated 13.07.2023, this Court elaborately discussed and directions were issued governing such disputes. In the light of the above, he prayed for issuance of similar relief to the petitioner as well.

6. In response, learned Government Counsel appearing for the respondents submitted that the impugned proceedings were issued to protect the canal as well as to ensure that no unauthorized Wells or borewells are maintained within the prohibited distance. Reiterating the contents of the counter affidavit, he submitted that petitioner's borewell in S.F. No.227/1 of Jothiyampatti Village is located at a distance of only 3.00 metres from the toe of the bund of the Kundadam Branch Canal and therefore falls well within the



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prohibited distance of 50 metres prescribed under G.O. Ms. No.2261, Public

Works Department, dated 03.11.1967. It is the further argument that the extracted water has been utilized for irrigating non-ayacut lands. On the aforesaid score, he submitted that the said factors are contrary to specifications in the aforesaid G.O. Therefore, the writ petition lacks on merits and the impugned order does not warrant interference and the said petition is liable to be dismissed.

7. Heard the rival submissions made by learned counsel on either side and perused the materials available on record.

8. It is not in dispute that the controversy involved in the present writ petition is similar to the issue considered by this Court earlier in W.P. No.3181 of 2017 etc. batch, wherein comprehensive directions were issued by order dated 13.07.2023. Since the petitioner's specific case is that the Well was in existence even prior to the formation of the PAP Canal and that the authorities have proceeded on an erroneous assumption that a new borewell had been dug within the prohibited distance and there are disputed questions of fact involved, and therefore the matter requires consideration in the light of the directions already issued by this Court in the aforesaid batch of cases,

9. Accordingly, the impugned order dated 19.01.2023 is hereby set aside and the matter is remitted back to the 2nd respondent. The 2nd respondent shall



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consider the petitioner's case afresh in line with the directions issued by this

Court in W.P. No.3181 of 2017 etc. batch dated 13.07.2023, after affording an opportunity of personal hearing to the petitioner and after verifying the relevant records regarding the existence and nature of the Well, and shall pass a reasoned order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

10. The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

08.06.2026

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

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To :

1. The District Collector
Tiruppur, Tiruppur District.
2. The Revenue Divisionl Officer /
Head of Joint Filed Inspection Committee, Dharapuram, Tiruppur District.
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M. DHANDAPANI, J.

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