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W.P.Nos.18260 of 2025 etc.,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**W.P.Nos.18260, 18261 and 18264 of 2025 and
W.M.P.Nos.20447, 20448, 20450, 20451, 20454, 20455, 23004, 23007 and
23013 of 2025**

Nettaiyampalayam Sri Mariyamman Small
Farmers Lift Irrigation Society,
Rep by its President,
N.R.Ganesan, Nettaiyampalayam,
Konthalam Post, Paramathi Velur Taluk,
Namakkal District-637 208.

..Petitioner in all W.Ps.

Vs

1. The Superintending Engineer
TANGEDCO,
Namakkal Electricity Distribution Circle,
Namakkal.
2. The Assistant Executive Engineer
Operation and Maintenance,
TANGEDCO,
Paramathi Velur, Namakkal District.
3. The Assistant Executive Engineer,
Enforcement,
TANGEDCO, Salem.

..Respondents in all
W.Ps.

Prayer in WP No. 18260 of 2025 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for records relating to the impugned provisional Assessment order issued by the 2nd respondent in Lr.No.AEE/O and M/P.VLR/F.Theft of



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Energy /D.No.021/2025 dated 06.05.2025 and Final Assessment order issued by the 2nd respondent in Lr.No.AEE/O & M/P.VLR/F.Theft of Energy/D.No.022/2025 dated 06.05.2025 and quash the same with consequential direction directing the 2nd respondent to restore the service connection in SC.Nos.228-003-524, Tariff IV-Agriculture, Pandamangalam Section and also to refund the compounding fees of Rs.75,000/- paid by the petitioner on 07.05.2025.

Prayer in WP No. 18261 of 2025 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for records relating to the impugned Provisional Assessment order issued by the 2nd respondent in Lr.No.AEE/O and M/P.VLR/F.Theft of Energy /D.No.023/2025 dated 06.05.2025 and Final Assessment order issued by the 2nd respondent in Lr.No.AEE/O and M/P.VLR/F.Theft of Energy/D.No.024/2025 dated 06.05.2025 and quash the same with consequential direction, directing the 2nd respondent to restore the service connection in SC.Nos.228-003-530, Tariff IV-Agriculture, Pandamangalam Section and also to refund the compounding fees of Rs.75,000/- paid by the petitioner on 07.05.2025.

Prayer in WP No. 18264 of 2025 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for records relating to the impugned provisional Assessment order issued by the 2nd respondent in Lr.No.AEE/O and M/P.VLR/F.Theft of Energy /D.No.025/2025 dated 06.05.2025 and Final Assessment order issued by the 2nd respondent in Lr.No.AEE/O and M/P.VLR/F.Theft of Energy/D.No.026/2025 dated 06.05.2025 and quash the same with consequential direction directing the 2nd respondent to restore the service connection in SC.No.228-003-534, Tariff IV-Agriculture, Pandamangalam Section and also to refund the compounding fees of Rs.75,000/- paid by the petitioner on 07.05.2025.

In all petitions

For Petitioner : Mr.S.Senthil

For Respondents : Mr.P.Kumaresan,
Additional Advocate General



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assisted by
Mr.S.Kalaiselvan,
Standing Counsel

COMMON ORDER

Since the issue raised in these writ petitions are one and the same, these writ petitions are heard together and are disposed of by this common order.

2. The facts necessary for the disposal of these writ petitions are as follows.

2.1. The petitioner is a Society consisting of members who are agriculturists numbering 99, hailing from and having agricultural lands in S.Konthalam, Peria Solipalayam, A.Kunnathur and Sarkar Venkarai Villages of Paramathivelur Taluk, Namakkal District, measuring an extent of 212 Acres. The land comprised in Survey No.13/15 of Pommalapalayam Village measuring an extent of 0.26.50 Hectare was purchased by the petitioner Society for the purpose of digging a Well to irrigate the lands of the members of the Society as per the conditions imposed in G.O.Ms.No.109, Public Works (N1) Department dated 07.02.1994. The petitioner obtained three electricity service connections in S.C.Nos.524, 530 and 534 under Tariff-IV Agriculture, Pandamangalam



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Section from the respondents TANGEDCO by installing three electric motors to irrigate water from the well situated at Survey No.13/15 and they have been doing so. Since the said Well became dry and was unusable, the Society was constrained to dig a new Well nearby the old Well in the same land in order to draw water to safeguard agricultural operations of the members of the petitioner Society.

2.2. Therefore, the petitioner Society applied for amendment to the above said G.O.Ms.No.109, Public Works (N1) Department, dated 07.02.1994 in order to amend the distance of Well from 50 Meters to 7 Meters from the bank of Cauvery. A feasibility study was conducted and the Special Chief Engineer, Water Resource Department, Upper Cauvery Basin Circle, Salem-636 007 recommended for such amendment and the same was forwarded to the Principal Chief Engineer, WRD, Chepauk, Chennai, wherein it has been stated that the petitioner Society is carrying on irrigation by using three motors with its approved capacity for lands measuring an extent of 212 acres from the Well situated in S.No.13/15.



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2.3. In the meanwhile, the petitioner Society filed W.P.No.2830 of 2021 seeking a direction to the Government to amend G.O.Ms.No.109 dated 07.09.1994, which was disposed of by this Court on 24.03.2021 with a direction to consider the recommendation of the Special Chief Engineer, Water Resource Department, Upper Cauvery Basin Circle, Salem to amend the said Government Order. Since the respondent TANGEDO attempted to disconnect the service connection, the petitioner Society once again filed a Writ Petition in W.P.No.8220 of 2023, which was disposed of by order dated 15.03.2023, wherein on the basis of the submission made by the learned Standing Counsel for the respondent TANGEDCO that till a final decision is made pursuant to the order of this Court dated 24.03.2021, the service lines and transformers of the petitioner Society will not be disturbed.

2.4. However, the impugned proceedings viz., provisional assessment and final assessment were passed by the respondents TANGEDCO demanding to make good the loss caused due to dishonest abstraction / illegal restoration of power supply to the service connection in the name of the petitioner Society along with the compounding charges. Challenging the same the present writ petitions are filed.



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3. The learned counsel for the petitioner Society narrated the facts leading to the filing of series of writ petitions and assailed the impugned proceedings of the TANGEDCO on the ground that the service connections were in fact restored pursuant to the order of this Court made in W.P.No.8220 of 2023 and therefore the same cannot be termed as illegal. That apart, the impugned proceedings were passed in violation of the principles of natural justice without providing an opportunity to the petitioner Society as well as personal hearing as per Regulation 23 AA of the Tamil Nadu Electricity Supply Code, 2004. Learned counsel for the petitioner submits that the service connections were obtained under Tariff IV-Agriculture as per G.O.Ms.No.109, Public Works (N1) Department dated 07.02.1994 and with regard to drawing water within 7 meters from the Cauvery River, the competent authorities have issued their consent and proposal for amending the said Government Order and therefore the impugned proceedings are not justifiable.

4. Per contra, learned Additional Advocate General appearing on behalf of the respondents TANGEDCO produced Government Letter No.912/W2/2022-6 dated 11.03.2026, addressed to the petitioner Society,



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wherein the Secretary to Government, Water Resources Department, Chennai has stated that the petitioner Society can draw water from the new well dug by them within 7 meters from the Cauvery river, in view of the drying up of the old Well dug by them for irrigation purposes and the terms and conditions stipulated in G.O.No.109 dated 07.09.1994 shall continue to apply. However, since the petitioner Society has paid the compounding charges already, this Court may pass suitable directions to the petitioner Society to pay the assessment charges as well.

5. Considering the submissions made by the learned counsel for both sides and also considering that this Court, at the time of admission of these writ petitions has restored the service connections on the petitioner Society paying 10% of the demanded amount by the impugned proceedings and in order to strike balance of convenience, this Court is inclined to set aside the impugned orders by issuing the following directions:-

(i) the petitioner is directed to pay an amount of Rs.29,22,276/- (Rupees Twenty Nine Lakhs Twenty Two Thousand Two Hundred and Seventy Six only) being 50% of the demand amount as per the impugned proceedings, by



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way of six equal monthly instalments and the first instalment shall be paid on or before 07.05.2026;

(ii) the petitioner shall continue to pay the remaining instalments on or before 7th of every succeeding English Calendar month;

(iii) on payment being made, the petitioner is directed to shift the electricity service connection in the existing well in terms of G.O.Ms.No.109, Public Works (N1) Department dated 07.02.1994.

6. Accordingly, the impugned Provisional Assessment Orders dated 06.05.2025 passed by the second respondent and the Final Assessment Orders dated 06.05.2025 passed by the second respondent are set aside in terms of the above direction and these Writ Petitions are allowed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Note: Issue order copy on 17.04.2026.



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To

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Namakkal Electricity Distribution Circle,
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