



W.P(MD)No.18608 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18608 of 2026

Omana

... Petitioner

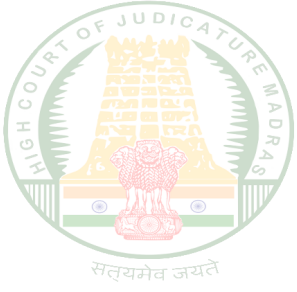
Vs

1.The District Collector,
District Collectorate Office,
Nagercoil,
Kanyakumari District.

2.The Commissioner,
Kollamkode Municipality,
Kollamkode,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the impugned notice in Na.Ka.No. 580/2026/A2 dated 26.05.2026 and direct the second respondent to comply the direction issued in Na.Ka.No.712/2025/A3, dated 23.05.2025 consequently considering the payment receipt made on 30.05.2025 within a time frame as may be fixed by this Court.



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For Petitioner : Mr.S.Suresh Manickam

For Respondents : Mr.R.Ramasamy,
Counsel for the State (R1)

Mr.R.V.Suria Kumar (R2)

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent in Na.Ka.No.580/2026/A2, dated 26.05.2026 and to consequently direct the second respondent to comply with the directions issued in Na.Ka.No.712/2025/A3, dated 23.05.2025 by providing a domestic water service connection to the petitioner's residence, taking into consideration the payment receipt dated 30.05.2025, within a time frame to be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner submitted that the petitioner is residing within the limits of Kollamkode Municipality, Kanyakumari District. Since the petitioner was not provided with a domestic water service connection, she submitted a grievance petition before the first respondent/District

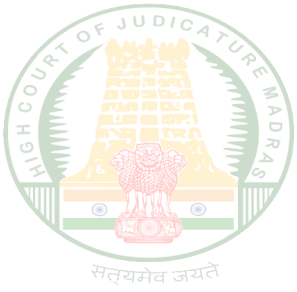


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Collector. Pursuant to the directions issued by the first respondent, the second respondent, by proceedings in Na.Ka.No.712/2025/A3, dated 23.05.2025, directed the grant of a domestic water service connection to the petitioner's residence on payment of the requisite charges. Accordingly, the second respondent assessed a sum of Rs.10,554/- towards water service connection charges and the petitioner remitted the entire amount on 30.05.2025.

4. The learned counsel further submitted that despite receipt of the entire charges, the second respondent failed to provide the water service connection and subsequently issued the impugned proceedings dated 26.05.2026 stating that O.S.No.312 of 2023 is pending on the file of the District Munsif Court, Kuzhithurai. According to the petitioner, no such suit is pending in respect of the subject property. On the other hand, O.S.No.189 of 2023 has been instituted by one Selvan against the petitioner's husband seeking a declaration that Document No.1288 of 1992 is null and void. The said suit neither concerns the petitioner's entitlement to a domestic water service connection nor relates to the grant of such public utility service. The petitioner has already filed her written statement in the suit and the plaintiff has not proceeded with the trial. Therefore, the pendency of



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the civil suit cannot be cited as a ground for denying the petitioner a domestic water service connection.

5. Per contra, the learned counsel appearing for the second respondent submitted that while taking steps to effect the water service connection, certain neighbouring residents raised objections on the ground that the pipeline had to be laid through a common pathway. Therefore, the Municipality sought police protection for carrying out the work. Owing to the objections raised by the neighbouring residents, the water service connection could not be effected.

6. This Court has carefully considered the rival submissions and perused the materials placed on record.

7. The facts are not in dispute. It is an admitted case that the petitioner applied for a domestic water service connection pursuant to the proceedings of the first respondent. The second respondent assessed the requisite charges at Rs. 10,554/- and the petitioner remitted the said amount in full on 30.05.2025. Having accepted the charges, the respondents cannot indefinitely withhold the grant of a



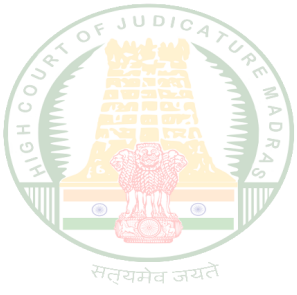
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domestic water service connection on the mere ground that a civil suit is pending between private parties.

8. It is also seen that the civil suit referred to by the petitioner is one filed by a private individual against the petitioner's husband seeking declaratory relief in respect of a document. The dispute involved therein is purely civil in nature and does not, by itself, create any embargo on the grant of a domestic water service connection. Significantly, no interim order has been passed by the competent Civil Court restraining the respondents from providing the water service connection to the petitioner. In the absence of any such prohibitory or interim order, the respondents are not justified in refusing to provide an essential public utility service.

9. It is well settled that the pendency of a civil suit, in the absence of any interim order of restraint, cannot be a valid ground for denying basic civic amenities such as water supply. The respondents are duty-bound to provide such essential services, subject to the rights of the parties that may ultimately be determined by the competent Civil Court.



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WEB COPY10. In view of the above, the impugned proceedings of the second respondent in Na.Ka.No.580/2026/A2, dated 26.05.2026 is set aside. The second respondent is directed to provide a domestic water service connection to the petitioner's residence, if there is no other legal impediment, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that the grant of the water service connection shall be subject to the result of the pending civil suit and shall not confer any independent right upon the petitioner with regard to the disputed property or pathway.

11. With the above directions, this Writ Petition stands allowed. No costs.

16.07.2026

NCC : Yes / No

Index : Yes / No

TSG

To

The Appellate Authority,
Tamil Nadu Shops and Establishments Act,
(Joint Commissioner of Labour),
Madurai.

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M.DHANDAPANI, J.

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