

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 1967 of 2015 (U)

PETITIONER :

**SATHEESHKUMAR.P.,
S/O.LATE PONNUMANI, HOTEL CHANAKYA,
ARUGMUGAN GARDENS,
CHANDRA NAGAR, PALAKKAD-678 007.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S):

- 1. KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM-695 001.**
- 2. EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, P.H.DIVN, PALAKKAD-678 001.**
- 3. ASST. EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, P.H.SUB DIVISION,
PALAKKAD-678 001.**
- 4. ASST. ENGINEER,
KERALA WATER AUTHORITY, P.H.SUB DIVISION,
PALAKKAD-678 001.**

R1 TO R4 BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : TRUE COPY OF THE RECEIPT DATED 27-01-2007 ISSUED BY THE JANASEVANAKENDRAM.
- EXT.P2 : TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT DATED 10-07-2009 RESPONDENT.
- EXT P3 : TRUE COPY OF THE COMMUNICATION DATED 20-07-2009 BY THE 3RD RESPONDENT.
- EXT P4 : TRUE COPY OF THE REPRESENTATION BEFORE THE 2ND RESPONDENT EXECUTIVE ENGINEER DATED 06-08-2009.
- EXT P5 : TRUE COPY OF THE BILL DATED 19-09-2013.
- EXT P6 : TRUE COPY OF THE BILL DATED 14-11-2014 ISSUED BY THE RESPONDENT.
- EXT P7 : TRUE COPY OF THE DEATH CERTIFICATE ISSUED BY THE PALAKKAD MUNICIPALITY ON 06-11-2013.
- EXT P8 : TRUE COPY OF THE COMMUNICATION WAS SENT BY THE 3RD RESPONDENT TO THE FATHER OF THE PETITIONER ON 28-11-2014.
- EXT P9 : TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONER ON 12-12-2014, TO THE 3RD RESPONDENT.
- EXT P10 : TRUE COPY OF THE COMMUNICATION SENT BY THE 4TH RESPONDENT TO THE PETITIONER DATED 19-12-2014
REF.NO.KWA/PHSUB/PKD/REV/2609-2013-2014.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.1967 of 2015

Dated this the 28th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"(i) To issue a Writ of certiorari or any other appropriate Writ order or direction calling for the records leading to quash Exts.P5,P6,P8 and P10 and quash the same;

(ii) To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case."

2. The learned counsel for the petitioner submits that, the water supply to the petitioner was disconnected as early as on 10.07.2009 and as such, the present demand raised by the concerned respondents is not correct or sustainable, either on facts or in law, more so when it is in respect of a time barred debt.

3. Heard the learned Standing Counsel appearing for the respondents as well.

4. It is seen that, factual position has been explained by the petitioner before the 3rd respondent by submitting Ext.P9 representation. The same appears to be turned down vide

Ext.P10 dated 19.12.2014 issued by the Assistant Engineer. This Court finds that, the matter has to be looked into by the 2nd respondent, including on the question of limitation put up by the petitioner.

In the above circumstances, the petitioner is set at liberty to file an exhaustive representation before the 2nd respondent within 'two weeks' from the date of receipt of a copy of this judgment, also producing copies of the relevant documents; upon which, the same shall be considered and appropriate orders shall be passed after affording an opportunity of hearing to the petitioner, which shall be done at the earliest, at any rate, within 'six weeks' thereafter.

'Status quo' shall be maintained till such time.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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