

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 4844 of 2015 (E)

PETITIONERS :

- 1. VISWANATHAN, AGED 65 YEARS, S/O.KUNJI,
ASWATHI NILAYAM, MANAKUNNAM VILLAGE,
UDAYAMPEROOR P.O, ERNAKULAM DT**
- 2. SATHI PEETHAMBARAN, AGED 59 YEARS,
W/O. PEETHAMBARAN, AJITHA MANDIRAM, MANAKUNNAM VILLAGE
UDAYAMPEROOR P.O, ERNAKULAM DT**

BY ADV. SRI.LIJU. M.P

RESPONDENTS :

- 1. THE KERALA WATER AUTHORITY
REPRESENTED BY ITS SECRETARY, JALABHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM 695 035**
- 2. THE ASSITANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, EROOR SOUTH P.O.,
THRIPOONITHURA ERNAKULAM 682 301**
- 3. K.H. HARIPRASAD,
LICENSED PLUMBER, S/O.HARIDASAN, KALEZHATH HOUSE,
UDAYAMPEROOR, ERNAKULAM 682 307**

BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 4844 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE COMMON JUDGMENT IN WPC NO 7614/13 AND
WPC NO 10475/13 DATED 11/4/13.**

**EXHIBIT P2: TRUE COPY OF LETTER DATED 13/1/15 ISSUED BY THE 2ND
RESPONDENT TO THE 1ST PETITIONER**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

C.K. ABDUL REHIM, J.

W.P.(c) No. 4844 OF 2015-E

DATED THIS THE 16th DAY OF FEBRUARY, 2015.

J U D G M E N T

Grievance of the petitioners is with respect to denial of water connection, intimated through Ext.P2 and other similar notices. History is that, the petitioners obtained bogus connections through the 3rd respondent without knowledge or permission of the respondents 1 & 2. On detection of such bogus connections the respondents 1 & 2 had dismantled them and initiated action against the petitioners as well as against the 3rd respondent, including lodging of criminal case. According to the petitioners the 3rd respondent had actually cheated them and they have entrusted all the requisite application forms and amounts for deposit with the 3rd respondent, who was a licenced plumber. When the connections were provided the petitioners were under the impression that the 3rd respondent had obtained necessary permissions.

2. At present, when the petitioners applied for fresh water connections, Exhibit P2 letter was issued rejecting such applications stating the reason of pendency of cases with respect to the bogus connections obtained. It is stated that fresh connection cannot be granted unless necessary orders are obtained from the court. Learned counsel for the petitioners pointed out Ext.P1 judgment of this court wherein direction was issued to the Water Authority to provide fresh connection subject to certain conditions, on identical situations where the 3rd respondent had effected bogus connections to the petitioners therein.

3. Heard; learned Standing counsel appearing for respondents 1 & 2. It is stated that identical directions as that of Ext.P1 can be issued in the case of petitioners also.

4. Therefore this writ petition is disposed of by directing respondents 1 & 2 to provide water connections on the basis of applications submitted by the petitioners, if the petitioners satisfy payment of fine as contemplated under Section 46B and water charges under Section 46D of

the Kerala Water Supply and Sewerage Act, with respect to the bogus connections obtained by them which were already dismantled. On satisfying such conditions the respondents 1 & 2 shall provide necessary connection at the earliest, at any rate within a period of 2 weeks from the date of satisfaction of such requirements.

5. It is clarified that on payment of the fine and water charges as contemplated under Section 46B and 46D, the respondents 1 & 2 shall take appropriate steps to absolve the petitioners from the criminal proceedings. However this will not prevent respondents 1 & 2 to pursue further actions against the 3rd respondent.

Sd/-
C.K. ABDUL REHIM
JUDGE

AMG

True copy

P.A. to Judge