

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 18910 of 2009 (G)

PETITIONER(S):

**B. SURENDRA DAS, PROPRIETOR,
HOTEL SREE VISAKH, KOVALAM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.K.B.PRADEEP.

RESPONDENT(S):

- 1. THE KERALA WATER AUTHORITY,
VELLAYAMBALAM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.**
- 2. THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY,
PUBLIC HEALTH DIVISION,
THIRUVANANTHAPURAM.**
- 3. THE ASSISTANT ENGINEER,
KERALA WATER AUTHORITY, VANDITHADAM,
THIRUVANANTHAPURAM.**

R1 TO R3 BY ADV. SMT.AMBIKA DEVI, SC.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ORDER DATED 29/08/2006 PASSED BY THE
2ND RESPONDENT.
- EXT.P2 COPY OF THE RECEIPT DATED 22/09/2005 ISSUED BY THE
3RD RESPONDENT.
- EXT.P3 COPY OF THE BILL DATED 18/02/2006 ISSUED BY THE
3RD RESPONDENT.
- EXT.P4 COPY OF THE BILL DATED 20/04/2006 ISSUED BY THE
3RD RESPONDENT.
- EXT.P5 COPY OF THE BILL DATED 21/08/2006 ISSUED BY THE
3RD RESPONDENT.
- EXT.P6 COPY OF THE REPRESENTATION DATED 13/09/2006 SUBMITTED BY
THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P7 COPY OF THE JUDGMENT DATED 29/10/2008 IN WP(C).NO.31666/2006.
- EXT.P8 COPY OF THE POSTAL RECEIPT DATED 24/11/2008 ISSUED BY THE
FIRST RESPONDENT.
- EXT.P9 COPY OF THE BILL DATED 20/12/2009 ISSUED BY THE
FIRST RESPONDENT.
- EXT.P10 COPY OF THE BILL DATED 22/06/2009 ISSUED BY THE
FIRST RESPONDENT.
- EXT.P11 COPY OF THE DEMAND NOTICE DATED 16/07/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 18910 of 2009

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Dated this the 19th day of November, 2015

J U D G M E N T

The petitioner had a water connection and this was disconnected on 26.2.2010. The petitioner approached this Court aggrieved by demand notices issued by the water authority as per Exts.P9 and P10.

2. Exts. P9 and P10 pertain to period prior to disconnection. The petitioner points out that on account of exorbitant demand the petitioner raised a complaint regarding defective meter and the meter was replaced on being satisfied that the meter was defective.

3. This Court is of the view that the matter requires reconsideration by the water authority. The respondent shall find out whether the demand raised as above is during the currency of complaint made by the petitioner regarding defective meter. If the bills raised as above are pertain to the period during which the petitioner's complained about defective meter, necessarily the

demand as above shall be revised. Accordingly, the following directions are issued:

The 3rd respondent shall take appropriate decision in the matter in the light of above directions after hearing the petitioner within a period of two months from the date of receipt of the copy of this judgment. It is made clear that any further demand and revenue recovery proceedings can be issued only after taking decision by the 3rd respondent. Accordingly, Ext.P11 revenue recovery proceeding is quashed.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE