

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 14968 of 2015 (U)

PETITIONER :

**R. CHELLAPPAN,
AGED 72 YEARS, S/O.RAMAKRISHNAN
MULLUVILA VEEDU, MULLOOR P.O., VIZHINJAM
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO**

RESPONDENT(S) :

- 1. THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY
THIRUVANANTHAPURAM-695001.**
- 2. THE ASSISTANT EXECUTIVE ENGINEER
KERALA WATER AUTHORITY, NEYYATTINKARA
THIRUVANANTHAPURAM - 695 001.**
- 3. ASSISTANT ENGINEER
WATER SUPPLY SECTION, KANJIRAMKULAM
THIRUVANANTHAPURAM-695 524.**

R1 TO R3 BY ADV. SRI.JOSEPH JOHN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 14968 of 2015 (U)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 - TRUE COPY OF THE PROVISIONAL INVOICE CARD.
- EXT. P2 - TRUE COPY OF THE NOTICE DATED 2/6/2014.
- EXT. P3 - TRUE COPY OF THE REQUEST MADE BY THE PETITIONER UNDER
R.I. ACT DATED 22/4/2015.
- EXT. P4 - TRUE COPY OF THE REPLY UNDER RI ACT DATED 12/5/2015.
- EXT. P5 - TRUE COPY OF THE PROPERTY TAX ASSESSMENT INDEX SHEET
DATED 14/3/2013.
- EXT. P6 - TRUE COPY OF THE RECEIPT DATED 31.3.2013.
- EXT. P7 - TRUE COPY OF THE NOTICE DATED 8.5.2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P.(C) No. 14968 of 2015 (U)

Dated this the 3rd day of June, 2015

J U D G M E N T

The petitioner is aggrieved with the disconnection of the water connection which had been granted to petitioner's house, which has water connection No.VP/690.

2. The petitioner's contention is that the petitioner has not been given 30 days' notice, as is provided under Section 45(1) of the Kerala Water Supply and Sewerage Act, 1986. The petitioner points to Ext.P7 bill dated 8.5.2015 and contends that the disconnection was effected before 30 days on 14.5.2015.

3. However, the Water Authority, who appeared through counsel and filed a statement, has a totally different version of unauthorized use of water to the building in which the petitioner's son is residing.

4. It is to be noticed that as far back as in 2.6.2014, by Ext.P1, the petitioner was issued with a notice by the respondent Authority indicating that the petitioner had been taking water from the connection unauthorizedly and that the building to which the water connection was granted, had been demolished. The same is specifically indicated in the Provisional Invoice Card issued to the petitioner, produced at Ext.P2.

5. Subsequently when the petitioner had sought for clarification under the Right To Information Act, the petitioner was specifically informed by Ext.P4 that the petitioner was found unauthorizedly using the water for the construction of the petitioner's son's house and also continued to use the water in the petitioner's son's house. The petitioner himself has produced the property tax assessment of the petitioner's son's residence which is produced at Ext.P5, in which it is indicated that the same is with water connection from the Kerala Water Authority.

However, the petitioner admits that there is no water connection to the son's house. Obviously, the residential building to which the water connection was drawn was demolished and without sanction from the Water Authority, the same was diverted to the house built by the petitioner's son.

6. Hence, the contention of the Water Authority that the connection granted to a building, which was demolished, has been diverted to a newly constructed building, is sustainable. In such circumstance, there is no ground for restoring the water connection, especially since the building to which the connection was given had been long demolished. The contention of the petitioner that the disconnection was made in violation of Section 45(1) of the Act, cannot be sustained since the notice is said to have been issued long prior to the bill being issued. This Court does not find any reason to consider favourably the prayers of the petitioner.

The Writ Petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE