

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 22348 of 2007 (I)

PETITIONER(S):

1. THE MANAGING DIRECTOR,
KERALA WATER AUTHORITY, VALLAYMBALAM,
THIRUVANANTHAPURAM.
2. THE ASSISTANT ENGINEER,
KERALA WATER AUTHORITY, THIRUVALLOM,
THIRUVANANTHAPURAM.
3. THE CHIEF ENGINEER,
KERALA WATER AUTHORITY, VELLAYAMBALAM,
THIRUVANANTHAPURAM.

BY ADVS.SMT.AMBIKA DEVI, SC
SRI.JOSEPH JOHN, SC

RESPONDENT(S):

1. K.KRISHNAN NAIR,
T.C. ^ 5.2228, VINOD BHAVAN, THIRUVALLAOM P.O.,
THIRUVANANTHAPURAM.
- * ADDITIONAL R2 ADDED
2. KERALA LOK AYUKTA, REPRESENTED BY
ITS REGISTRAR, THIRUVANANTHAPURAM.
- * THE CAUSE TITLE IS CORRECTED BY ADDING R2 AS PER ORDER
DTD.25.7.2007 IN IA.10146/2007.

BY ADVS. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 22348 of 2007 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: THE PHOTOCOPY OF THE CONSUMER PERSONAL LEDGER IN RESPECT OF R.S.T. 431 IN THE NAME OF THE 1ST RESPONDENT.

EXT.P2: THE TRUE COPY OF BILL NO.24 DTD.4.5.05 ISSUED TO THE 1ST RESPONDENT FOR RS.4115/FOR THE PERIOD 9/90 TO 5/2005.

EXT.P3: THE TRUE PHOTOCOPY OF THE COMPLAINT NO.1262/05 DTD.6.6.2005 FILED BY THE 1ST RESPONDENT BEFORE THE HON'BLE LOK AYUKTA.

EXT.P4: THE TRUE PHOTOCOPY OF THE ORDER PASSED BY THE HON'BLE LOK AYUKTA DTD.14.3.2007.

EXT.P5: TRUE COPY OF THE INTERIM ORDER IN WRIT APPEAL 1855/2007.

EXT.P6, P6(a) AND P6(b): TRUE COPY OF THE NOTICES OF PERSONAL APPEARANCE ISSUED TO THE MANAGING DIRECTOR, KERALA WATER AUTHORITY, ASSISTANT ENGINEER, THIRUVALLOM, CHIEF ENGINEER, KERALA WATER AUTHORITY, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

K. VINOD CHANDRAN, J.

W.P.(C) No. 22348 of 2007 (I)

Dated this the 4th day of August, 2015

J U D G M E N T

The petitioners Kerala Water Authority is aggrieved with Ext.P4 order passed by the Lok Ayukta. Admittedly, the respondent had a water supply from 1976 and after 1984 the respondent is said to have not been supplied with any water.

2. The specific contention of the Kerala Water Authority is that the respondent had not been remitting the dues regularly. The respondent, subsequently, remitted the water charges upto September, 1990, but refused to make any further remittance on the ground that there was no water supply given.

3. The Lok Ayukta in Ext. P4 specifically found that there was nothing to indicate that the respondent did not have water supply till 10.08.1994. It is not clear as to how the said date was arrived at.

4. In any event, the respondent's water connection is said to have been disconnected in 2005. This Court is of the opinion that Ext.P4 is not sustainable for reason of the same being not within the jurisdiction of the Lok Ayukta as per the Kerala Lok Ayukta Act, 1999. The disputed bills can be challenged in a properly instituted appeal, and merely on the allegation of maladministration, the respondent cannot be permitted to take up such grievances before the Lok Ayukta.

5. In such circumstance, Ext.P4 is set aside, however, considering the fact that the respondent is a senior citizen, if he clears the entire arrears due to the Kerala Water Authority and applies for a fresh connection, the same shall be granted.

Writ Petition is allowed with the above observation.

Sd/-
K.VINOD CHANDRAN,
JUDGE