

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 23167 of 2015 (U)  
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PETITIONER(S) :  
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1. MANU.S AGED 41 YEARS  
S/O.SANKARAN, CHUTTIPARA MURUPPEL, KUNNANKARA  
PATHANAMTHITTA.

2. DEEPA AGED 31 YEARS  
CHUTTIPARA MURUPPEL, KUNNANKARA, PATHANAMTHITTA.

BY ADVS.SRI.P.HARIDAS  
SRI.P.C.SHIJIN

RESPONDENT(S) :  
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1. STATE OF KERALA  
REPRESENTED BY SECRETARY DEPARTMENT OF HOME AFFAIRS  
THIRUVANANTHAPURAM, PIN: 695 001.

2. KERALA WATER AUTHORITY  
REPRESENTED BY ITS MANAGING DIRECTOR THIRUVANANTHAPURAM  
PIN: 695 001.

3. DISTRICT POLICE CHIEF,  
PATHANAMTHITTA, PIN: 639 645.

4. CIRCLE INSPECTOR OF POLICE  
PATHANAMTHITTA, PIN: 689 645.

5. STATION HOUSE OFFICER  
PATHANAMTHITTA, PIN: 689 645.

6. ASSISTANT EXECUTIVE ENGINEER  
KERALA WATER AUTHORITY, PATHANAMTHITTA SUB DIVISION  
PIN: 689 645.

7. M.C.SHERIF  
MUNICIPAL COUNCILOR, KULAESHEKHARAPATHI  
PATHANAMTHITTA, PIN: 689 645.

8. RAMAKRISHNAN  
PALAMOOTTIL MELETHIL, KANNANKARA, PATHANAMTHITTA  
PIN: 689 645.

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9. CHANDRAN  
CHITTIPPARA, THEKKECHARUVIL, KANNANKARA  
PATHANAMTHITTA, PIN: 689 645.

R7-R9 BY ADV. SRI.S.SHANAVAS KHAN  
R1 TO R6 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR  
BY SRI.JOSEPH JOHN, SC, KERALA WATER AUTHORITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S) ' EXHIBITS

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P1: TRUE COPY OF THE FUNDS ALLOCATED FOR THE RETAINING WALL AND DRAIN  
P2: TRUE COPY OF THE COMPLAINT TO THE DISTRICT COLLECTOR AND  
SECRETARY OF THE MUNICIPALITY

P2(A): TRUE COPY OF THE ENGLISH TRANSLATION OF THE COMPLAINT TO THE  
DISTRICT COLLECTOR AND SECRETARY OF THE MUNICIPALITY

P3: THE DISCHARGE CARD DATED 16/11/2007 ISSUED FROM MEDICAL COLLEGE,  
TRIVANDRUM

P4: DISCHARGE SUMMARY DATED 16/11/2007 ISSUED FROM GEO MEDICAL TRUST,  
PATHANAMTHITTA.

P5: TRUE COPY OF THE RECEIPT FOR REMITTANCE OF CHARGES DATED  
11/6/2015.

RESPONDENT(S) ' EXHIBITS

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NIL

/TRUE COPY/

PS TO JUDGE

**ASHOK BHUSHAN, CJ  
&  
A.M.SHAFFIQUE, J**

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**W.P.(C).No.23167 of 2015**  
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**Dated this the 17<sup>th</sup> August, 2015**

**JUDGMENT**

**Shaffique, J.**

The petitioners have approached this Court seeking Police protection in the matter relating to putting up of water connection. It is submitted that respondents 3 to 9 have obstructed the laying of pipeline by the contractor. The petitioners submit that necessary permission had already been granted by the Kerala Water Authority in the matter relating to providing water connection. But, when the contractor engaged by the Water Authority had proceeded to put up the pipeline, the same was obstructed by respondents 7 to 9.

2. Counter affidavit has been filed by respondents 7 to 9 inter alia stating that though the petitioners had obtained permission from the Kerala Water Authority, no permission had been obtained from the Municipality for cutting across the street, which vests with the Municipality. It is stated that the pathway in question has already been concreted and therefore,

it requires to be cut open and reconcreted. This fact, of course, is disputed by the learned counsel for the petitioners.

3. The petitioners submit that they have no obligation to take any further permission from the Municipality. It is also contended that if at all any permission is required, it is for the Kerala Water Authority to take necessary steps in the matter.

4. The learned Government Pleader would submit that normally the Kerala Water Authority engages a contractor to put up pipeline, who seeks permission from the Municipality for carrying out any work in the municipal roads.

5. It is not in dispute that the public pathway or street in a municipal area shall vest in the Municipality under Section 207 of the Kerala Municipality Act, 1994. Under such circumstances, if any work is to be carried on by any person including the contractor engaged by the Kerala Water Authority, necessary permission has to be obtained from the Municipality. In the present case apparently the Kerala Water Authority has to take necessary steps in the matter. As matters stand now, no such permission is obtained.

6. Under such circumstances, we are of the view that it is open for the petitioners through the contractor or the Kerala Water Authority, as the case may be, to seek appropriate permission from the Municipality and if any such permission is obtained and if there is further obstruction from respondents 7 to 9 or their men, the fifth respondent shall ensure maintenance of law and order in the matter of laying of pipeline to the petitioners' residential premises.

The Writ Petition is disposed of as above.

**ASHOK BHUSHAN  
CHIEF JUSTICE**

**A.M.SHAFFIQUE  
JUDGE**

vgs17/8/15