

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 23700 of 2015 (J)

PETITIONER(S) :

**V.P.MUHAMMED, AGED 72 YEARS,
SON OF LATE MR.VALIYAKATH PAREED,
RESIDING AT HOUSE 16/696, T & R CROSS ROAD,
THOPPUNPADY (P.O), ERNAKULAM DISTRICT, PIN- 682 005.**

**BY ADVS.SRI.SHAJI CHIRAYATH
SMT.JIJI M. VARKEY
SMT.SAVITHA GANAPATHIYATAN
SRI.M.M.SHAJAHAN**

RESPONDENT(S) :

- 1. KERALA WATER AUTHORITY,
HEAD OFFICE, "JALA BHAVAN", VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN- 695 033,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, WATER WORKS SUB DIVISION,
KARUVELIPPADY, KOCHI (P.O), ERNAKULAM DISTRICT, PIN- 682 005.**
- 3. JUNIOR SUPERINTENDENT,
KERALA WATER AUTHORITY, WATER WORKS SECTION NO.II,
KARUVELIPPADY, KOCHI (P.O), ERNAKULAM DISTRICT, PIN- 682 005.**
- 4. V.A.NAJEEB, AGED 51 YEARS,
SON OF MR.VALIYAKATH ALIKUNJU, HOUSE NO. 13/1114,
CHULLIKAL, THOPPUNPADY (P.O), ERNAKULAM DISTRICT, PIN- 682 005.**

R1 TO R3 BY ADV. SRI.GEORGE MATHEW, S.C

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: COPY OF THE SALE DEED NO. 427 OF 2012 ON THE FILES OF THE SUB
REGISTRY OFFICE, KOCHI.**
- P2: COPY OF THE SALE DEED NO. 2057 OF 2011 ON THE FILES OF SUB
REGISTRY OFFICE, KOCHI.**
- P3: COPY OF THE ORDER OF DISCONNECTION OF WATER SUPPLY
CONNECTION TO THE PETITIONER ISSUED BY THE 2ND RESPONDENT.**
- P3(A): COPY OF THE ENVELOP CONTAINING EXHIBIT P3 ORDER.**
- P4: COPY OF THE SALE DEED NO. 1538 OF 2002 ON THE FILES OF SUB
REGISTRY OFFICE, KOCHI.**
- P5: COPY OF THE ORDER IN HRMP NO. 3606 OF 2014 OF THE STATE HUMAN
RIGHT COMMISSION.**
- P6: COPY OF THE APPLICATION FILED BY THE PETITIONER PURSUANT TO
EXHIBIT P5 ORDER.**
- P7: COPY OF THE DEMAND DRAFT NO. 594219 OF RS.3000/- SOUTH INDIAN
BANK LIMITED, MATTANCHERY BRANCH.**
- P8: THE TRUE LETTER REJECTING P6 AND P7 ISSUED BY
THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.23700 of 2015

Dated this the 15th day of September, 2015

J U D G M E N T

The petitioner is a purchaser of house bearing CC 16/696. There was a water supply connection in CC 16/696 in the name of the assigner of the petitioner. The assigner sold the CC 16/196 in two part. One part to the petitioner and the other part to the 4th respondent. The petitioner approached this Court aggrieved by the disconnection of water supply provided to the petitioner.

2. The petitioner submits that in view of assignment deed, the petitioner is the exclusive owner of the water supply connection and therefore, he is entitled for the benefit of water supply in his name of assignor.

3. This Court is of the view that if the petitioner has any legal right, necessarily, the petitioner has to approach the 2nd respondent to change the service connection in his name. Accordingly following directions are issued:

The petitioner shall approach the 2nd respondent

to effect changes in his name. This shall be done within a period of ten days from the date of receipt of a copy of this judgment. Thereafter, after hearing the petitioner and the 4th respondent, the 2nd respondent shall take an appropriate decision in the matter. Continuation of water supply will depend upon the final decision to be taken by the 2nd respondent.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/