

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 23984 of 2015 (W)

PETITIONER(S):

**SUSANNA JOLLY, AGED 70 YEARS,
W/O.JOLLY, KOTTOOR HOUSE, NORTH FORT,
TRIPUNITHURA,
REPRESENTED BY POWER OF ATTORNEY HOLDER, JOLLY
S/O.LATE PAUL, AGED 67 YEARS, KOTTOOR HOUSE,
NORTH FORT, TRIPUNITHURA.**

BY ADV. SRI.KOSHY GEORGE

RESPONDENT(S):

- 1. KERALA WATER AUTHORITY,
REPRESENTED BY THE SECRETARY, KERALA WATER AUTHORITY,
TRIVANDRUM.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, ERNAKULAM.**
- 3. POST MASTER GENERAL,
CENTRAL REGION, PALLIMUKKU, ERNAKULAM.**

**R1 & 2 BY SRI.GEORGE MATHEW, SC
R3 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
SMT.VANDANA P., CGC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE POWER OF ATTORNEY.
- EXHIBIT-P2: TRUE COPY OF THE LETTER NO.D.81 DATED 31.10.1995.
- EXHIBIT-P3: TRUE COPY OF THE LETTER STATING THAT THE POST OFFICE HAD PAID WATER CHARGES FROM 18.6.92 TO 11.6.93 AMOUNTING TO RS.540/-.
- EXHIBIT-P4: TRUE COPY OF THE BILL DATED NIL ISSUED BY WATER AUTHORITY.
- EXHIBIT-P5: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT UNDER REGULATION 17 OF THE WATER SUPPLY REGULATIONS (KWA).
- EXHIBIT-P6: TRUE COPY OF THE ORDER NO.R12-500 DATED 22.1.2010 ISSUED BY WATER AUTHORITY TO PETITIONER.
- EXHIBIT-P7: TRUE COPY OF AWARD DATED 13.6.2012 PASSED BY LOK ADALATH IN W.P.3938/2010.
- EXHIBIT-P8: TRUE COPY OF THE SALE DATED 11.2.2010.
- EXHIBIT-P9: TRUE COPY OF THE LETTER DATED 7.10.2013 ISSUED BY THE PETITIONER TO THE WATER AUTHORITY.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.23984 of 2015

Dated this the 7th day of September, 2015.

J U D G M E N T

The petitioner, based on Ext.P7 award, seeks a direction to the 1st respondent for disbursing an amount of Rs.40,803/-.

2. In Ext.P7 award, it was agreed that the amount payable to the petitioner can be adjusted against the future liability of the petitioner.

3. However, the petitioner has sold out her property in respect of which the water connection was obtained. In that view of the matter, there is no scope for adjusting the liability. Therefore, there shall be a direction to the respondent to release the amount to the petitioner in the light of Ext.P9, within 2 months of receipt of copy of this judgment.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge