

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 26350 of 2015 (P)

PETITIONER:

**P.A.ABDUL GAFOOR,
S/O. AHAMMED HAJI OF PUTHIYAVEETIL,
BURFIS, CC NO.41/2806, OPP.TOWN HALL,
ERNAKULAM, KOCHI-15.**

**BY ADVS.SRI.DINESH R.SHENOY
SRI.SANIL JOSE**

RESPONDENT(S):

- 1. V.A.THOMAS,
S/O. LATE VELUKARAN ANTONY,
VELUKARAN HOUSE, ST.VINCENT ROAD,
NOW RESIDING AT VALUKARAN HOUSE,
CHAKKUNGAL ROAD, PALARIVATTOM, KOCHI-682 025.**
- 2. THE EXECUTIVE ENGINEER ,
KERALA WATER AUTHORITY, O/O. EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH DIVISION,
KOCHI-682 016.**
- 3. THE ACCOMMODATION CONTROLLER AND TAHSILDAR,
KANAYANNUR TALUK OFFICE, KANAYANNUR, KOCHI- 682 011.**

**R1 BY ADVS. SRI.M.P.RAMNATH
SRI.PRAJESH (KOTTAKKAL)
SRI.BEPIN PAUL
SRI.SHALU VARGHESE**

R2 BY SRI.GEORGE MATHEW, SC

R3 BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE PHOTOCOPY OF RENT AGREEMENT NO.3057/1989, ERNAKULAM, SRO.
- P2 : TRUE PHOTOCOPY OF D & O LICENSE FEE RECEIPT DTD.31.3.2015.
- P3 : TRUE COPY OF KERALA WATER AUTHORITY NOTICE DTD.17.8.2015.
- P4 : TRUE COPY OF THE REPRESENTATION DTD.26.8.2015 BEFORE THE 2ND RESPONDENT.
- P5 : TRUE PHOTOCOPY OF THE ORDER DTD.9.11.2012 IN EA NO.357/2012 IN EP 453/2010 IN OS NO.787/98, MUNSIF COURT, ERNAKULAM.
- P6 : TRUE PHOTOCOPY OF THE PETITION FILED BY THE PETITIONER DTD.26.8.2015 BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS:

- EXT.R1(1) : THE TRUE PHOTOCOPY OF THE JUDGMENT DATED 7.11.2014 OF THE RENT CONTROL APPELLATE AUTHORITY/HON'BLE DISTRICT COURT, ERNAKULAM.
- EXT.R1(2) : THE TRUE PHOTOCOPY OF THE REGISTERED RENT AGREEMENT DATED 1.12.2000-NO.5454/2000 SRO ERNAKULAM.
- EXT.R1(3) : THE TRUE PHOTOCOPY OF THE ORDER DATED 13.7.2012 IN EP.NO.453/2010 IN OS.NO.787/1998 OF THE HON'BLE MUNSIF'S COURT, ERNAKULAM.
- EXT.R1(4) : THE TRUE PHOTOCOPY OF THE ORDER DATED 17.9.2012 IN CRP NO.330/2012 OF THIS HON'BLE COURT.
- EXT.R1(5) : THE TRUE PHOTOCOPY OF THE LATEST WATER BIL DATED 15.6.2015 ISSUED BY THE KERALA WATER AUTHORITY TO THE 1ST RESPONDENT IN RESPECT OF THE CONSUMER NO.E41/1882/N-NON-DOMESTIC.
- EXT.R1(6) : THE TRUE PHOTOCOPY OF THE BILL NO.13202957 DATED 18.6.2015 IN THE FRAUDULENT CONNECTION TAKEN WITH CONSUMER NO.E41/2396/N-NON-DOMESTIC WITH THE NAME THOMAS V.A.(BIMBIS)
- EXT.R1(7) : THE TRUE PHOTOCOPY OF THE PROPERTY TAX ASSESSMENT LIST ISSUED FROM THE CORPORATION OF COCHIN IN RESPECT OF BUILDING NO.41/2288 IN THE NAME OF P.K.KADER EARLIER, NOW DR.NASSAR.

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- EXT.R1(8) : THE TRUE PHOTOCOPY OF THE COMPLAINT DATED 6.8.2015 FILED BY THE 1ST RESPONDENT (V.A.THOMAS) BEFORE THE ASSISTANT EXECUTIVE ENGINEER(KWA).
- EXT.R1(9) : THE TRUE PHOTOCOPY OF THE APPLICATION FOR DISCONNECTION DATED 13.8.2015 WITH THE POSTAL REGISTRATION RECEIPT DATED 20.8.2015 APPENDED THERETO.
- EXT.R1(10) : THE TRUE PHOTOCOPY OF THE POSTAL ACKNOWLEDGEMENT CARD (DT. OF RECEIPT 21.8.2015) IN PROOF OF EXT.R1(9) BY THE ASSISTANT EXECUTIVE ENGINEER, KWA.
- EXT.R1(11) : THE TRUE PHOTOCOPY OF THE RECEIPT DATED 25.8.2015 FOR RS.7,132/- ISSUED BY THE KERALA WATER AUTHORITY TO 1ST RESPONDENT.
- EXT.R1(12) : THE TRUE PHOTOCOPY OF THE JUDGMENT DATED 1.1.2014 IN OS.NO.122/2011 OF THE HON'BLE MUNSIFF'S COURT, ERNAKUALM.
- EXT.R1(13) : THE TRUE PHOTOCOPY OF THE ORDER DATED 1.1.2014 IN IA.NO.3923/2012 IN OS.NO.122/2011 OF THE HON'BLE MUNSIFF'S COURT, ERANKULAM, PUNISHING THE PETITIONER AND HIS ACCOMPLICES FOR VIOLATION OF INJUNCTION ORDER.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 26350 of 2015

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Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioner claims to be a joint tenant in respect of Building No. C.C No.41/2806. The petitioner runs a fast food centre. The petitioner approached this Court on account of disconnection of water supply.

2. This Court on 31.8.2015 ordered as follows:

“There shall be an interim direction to the 2nd respondent, KWA to restore water connection provisionally, subject to the final result of this writ petition.”

3. It is admitted by the water authority that the connection has been provided to the petitioner pursuant to the direction of this Court.

4. The first respondent filed a detailed counter in this matter and disputed the right of the petitioner to have reconnection of the water supply. It is to be noted that the petitioner has approached Accommodation Controller by Ext.P6. Accommodation Controller is the authority to consider Ext.P6, if the amenity of the

tenant has been cut off. Therefore with a liberty to agitate all the issues before the Accommodation Controller, the writ petition is disposed in the light of the interim order.

5. The right of petitioner for further supply would be subject to the outcome of the decision of the Accommodation Controller.

6. There shall be a direction to the Accommodation Controller, 3rd respondent, to dispose Ext.P6 within two months after hearing the petitioner as well as the first respondent and all other issues are left open.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE