

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 27016 of 2015 (B)

PETITIONER :

**M.P. DAMODARAN
AGED 56 YEARS, S/O.RAYARAPPAN,
VALLUVA COLONY, KUNHIMANGALAM AMSOM
EDANAD DESOM, P.O.EDAT, KANNUR TALUK.**

**BY ADVS.SRI.M.V.AMARESAN
SRI.V.GANGADHARAN (VALIYAPARAMBATH)**

RESPONDENT(S) :

**1. ASSISTANT ENGINEER
KERALA WATER AUTHORITY,
SECTION PAYYANUR, P.O.PAYYANUR
KANNUR DISTRICT, PIN-670 307.**

**2. EXECUTIVE ENGINEER
WATER SUB (W.S.)DIVION, KANNUR,
PIN-670 001.**

R1 & R2 BY ADV. SRI.JOSEPH JOHN, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 27016 of 2015 (B)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1- TRUE COPY OF LEGAL NOTICE DATED 03.04.2015 ISSUED BY THE
 PETITIONER TO THE 1ST RESPONDENT.**
- EXT. P2- TRUE COPY OF REPLY DATED 16.05.2015 ISSUED BY THE 1ST
 RESPONDENT TO THE PETITIONER IN EXT.P1.**
- EXT. P3- TRUE COPY OF REQUEST DATED 21.04.2015 SUBMITTED BY THE
 PETITIONER BEFORE THE 1ST RESPONDENT.**
- EXT. P4- TRUE COPY OF REPLY DATED 26.05.2015 ISSUED BY THE 1ST
 RESPONDENT TO THE PETITIONER IN EXT.P3.**
- EXT. P5- TRUE COPY OF REPLY DATED 27.05.2015 ISSUED BY THE PRESIDENT,
 KUNHIMANGALAM PANCHAYATH THROUGH A LAWYER TO THE
 COUNSEL OF THE PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.27016 of 2015

Dated this the 8th day of September, 2015.

J U D G M E N T

The petitioner claims that he belongs to Valluva community-a Scheduled Caste. He has approached this Court seeking a prayer that the 1st respondent shall not give water connection outside the Valluva colony.

2. According to the petitioner, if the water connection is given outside the colony, it will result in scarcity of water. This Court is of the view that, it is in the province of the Water Authority to decide in what manner the distribution of water supply has to be given. If the petitioner finds that there is scarcity of water, necessarily he is free to take up the matter before the Water Authority officials to provide sufficient water. The petitioner cannot dictate that the Water Authority shall not give water connection outside the colony.

3. The petitioner particularly refers to Ext.P4 and submits that there is already a report from the Assistant Engineer, KWA, showing that excess connection provided in the colony and also pointing out that further connection cannot be given unless a source is found out. It is also pointed out that the Assistant Engineer has not recommended for providing new water connection.

4. Necessarily, while giving new water connection, the authority shall adverted to the report of the Assistant Engineer as relied on by the petitioner as per Ext.P4.

The writ petition is disposed of with the above observation.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge