

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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Writ Petition No.6315 of 2011

ORDER:

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This writ petition is filed seeking the following relief/s:

'To issue a Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in forcing the consumers to purchase the water meter supplied by the 2nd respondent Board for heavy cost as illegal, arbitrary and also oppose to the State policy, consequently direct the 2nd, 3rd and 4th respondents not to collect the cost of the water meter from the consumers and/or direct the respondents to give liberty to the consumers of the 2nd respondent board to purchase the water meters which is having standards as required by the respondent board, and pass such other order or orders'.

[Reproduced verbatim]

I have heard the learned counsel for the petitioner and the learned Standing Counsel for the 2nd respondent. I have perused the material record.

The grievance of the writ petition is that the respondents are forcing the consumers to purchase the water meters supplied by the 2nd respondent Board at heavy cost, though such standard meters are available in the open market for a lesser price and that therefore, the action of the respondents in forcing the consumers to purchase the water meters supplied by the 2nd respondent Board for at cost is illegal, arbitrary and opposed to the policy of the State. Hence, it is prayed to direct the respondents not to collect the cost of the water meters from any consumer and direct the respondents to give liberty to the consumers to purchase water meters, which are having standards required by the respondent board.

In reply to the writ petition, the General Manager of the respondent no.4 had filed a counter affidavit. During the course of hearing, it is fairly stated that the 2nd respondent Board is now not insisting upon the purchase of the water meters supplied by the 2nd respondent Board. It is further submitted that in the light of the said fact the writ petition has become infructuous.

The learned counsel for the petitioner would submit that if the Board is not collecting the cost of the water meters from any consumers and the consumers are given liberty to purchase the water meters according to their choice from the empanelment agencies, the writ petitioner has no grievance.

Recording the said submissions of both the sides, the writ petition is disposed of as no cause survives for adjudication, however, directing that the 2nd respondent Board shall not collect the cost of the water meters from any consumer directly and that the consumers must be given the liberty to purchase the water meters according to their choice from the empanelled agencies. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE M. SEETHARAMA MURTI

4th November, 2015

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