

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO. 29371 OF 2014

Between :

M A Khadir S/o M A Karim
Flat No. S-2, Srilakshmi nilayam
HMT Nagar, Nacharam, Hyderabad and others

.... Petitioners

And

The Greater Hyderabad Municipal Corporation,
Tank Bund, Hyderabad
Rep by its Commissioner and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 17.8.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No
Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 29371 of 2014

ORAL ORDER:

Petitioners herein claim to be owners of respective flats in Srilakshmi Nilayam, HMT Nagar, Nacharam, Hyderabad. According to petitioners, their vendor purchased plot bearing No. 36 from The HMT Nagar Welfare Association-4th respondent herein, wherein flats were constructed and sold to individuals including petitioners. Vendor of petitioners was member of 4th respondent association. Initially, 4th respondent was providing drinking water facility to respective flats but later it stopped the said facility, hence this writ petition is instituted.

2. Learned counsel for petitioners submits that on account of non supply of drinking water by 4th respondent, grave prejudice is caused, therefore, third respondent ought to have come to their rescue in providing drinking water. Learned counsel contends that it is the bounden duty of third respondent and on account of denial of potable drinking water, petitioners are suffering.

3. Learned standing counsel for third respondent submits that the third respondent board has entered into an agreement with the 4th respondent association, whereby, drinking water is being supplied to 4th respondent in bulk and in turn, 4th respondent supplies the water to residents of the housing colony. Thus, insofar as third respondent board is concerned all measures were taken to provide drinking water to the housing colony and within the housing colony if any member or resident is not getting the water, he has to workout his remedies

vis a vis with 4th respondent. Learned standing counsel further submits that bulk drinking water is provided to 4th respondent association and it is not possible for 3rd respondent to provide individual water supply connection and that agreement entered between 3rd respondent board and 4th respondent association still subsists for supply of bulk water for the area. He further

submits that supply of water within the colony is responsibility of 4th respondent association and 3rd respondent board has not laid any internal pipe connections giving individual connections, therefore, request of the petitioners to give separate connection is not possible.

4. Learned counsel for petitioners fairly submits that on the ground that vendor of the petitioners who was a member of the 4th respondent association died, 4th respondent association is not providing drinking water.

5. As seen from the averments made in the writ petition, counter affidavit filed on behalf of 3rd respondent and the material available on record, it is clear that insofar as 3rd respondent board is concerned, it is not at fault in providing bulk drinking water to 4th respondent association to supply the same to individual residents. If there is any dispute between petitioners and 4th respondent association, the same has to be resolved before the appropriate forum, but this Court cannot come to the aid of petitioners in exercise of extraordinary power under Article 226 of the Constitution of India with reference to inter-se disputes between two private parties.

6. Accordingly, writ petition is dismissed leaving it open to the petitioners to work out their remedies available in law with reference to their grievance with 4th respondent for not providing drinking water supply. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:17.8.2015

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HONOURABLE SRI JUSTICE P. NAVEEN RAO

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WRIT PETITION No. 29371 of 2014

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