

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.1385 of 2016

and

W.M.P.No.1153, 1154, and 3477 of 2016

B.Narayanan

...Petitioner'

Vs.

1. The District Collector,
Office of the District Collectorate,
Tiruppur.
2. The Commissioner,
Thiruppur Corporation,
Thiruppur District.
3. The Assistant Commissioner,
Zonal No.4, Thiruppur Corporation,
Tiruppur District.
4. B.Manivannan @ Subramanian

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records, pertaining to the proceedings, bearing Na.Ka.No.E-2/3042, 2015-IV, dated 10.12.2015 from the file of the third respondent and to quash the same as illegal incompetent and unconstitutional and further direct the 2nd repsondent to reconnect House No.184, Kovil Street, Thennampalayam, Thiruppur.

For Petitioner : Mr.J.Stalin

For Respondent-1 : Mr. R.Rajeswaran
Special Government Pleader

For Respondents-2 & 3 : Ms.P.Shanthi

For Respondent-4 : Mr.Balasubramanian
for Mr.K.Sridharan

O R D E R

This Writ Petition is filed to quash the proceedings, dated 10.12.2015, passed by the third respondent, whereby, the petitioner has been informed about the disconnection of drinking water supply to his premises.

2. The petitioner and the fourth respondents are sons of the same venter. It appears that they are at loggerheads, and the dispute has reached this Court concerning water connection. The property, is situate at No.184, Kovil Street, Thennampalayam, Thiruppur, and as on date, the proper tax assessment card stands in the name of the father of the petitioner and the fourth respondent, late N.Balan. However, based on such records, initially, water connection has been given exclusively in the name of the fourth respondent. Now, the fourth respondent would state that, after the demise of his parents, the property devolved upon the legal heirs, which includes the petitioner and the fourth respondent, and at that point of time, fourth respondent wanted his elder brother/petitioner to join him in applying for joint connection, but, the petitioner refused to oblige him. Therefore, the fourth respondent had obtained individual connection in his name. Now, the fourth respondent has proposed to carry out certain repair works in the portion, which, he is in possession. Therefore, he requested the respondent-Corporation to disconnect the water connection. Since the petitioner's property is appurtenant to the fourth respondent's property, the petitioner will be put to hardship, if the water connection is disconnected. Hence, the petitioner has rushed to this Court, asking for restoration of the water connection. At the time, when the Writ Petition was entertained, since the authorities were refusing to consider the petitioner's request, this Court, by an interim order, dated 27.01.2016, has directed for restoration of the water supply to the petitioner's premises, without prejudice to the rights of the parties, viz., the petitioner and the fourth respondent. It is confirmed by the learned counsel appearing for the petitioner that the water supply has since been restored. If the water connection for the property stands exclusively in the name of the fourth respondent, then, the petitioner cannot oppose the fourth respondent from seeking for temporary disconnection. However, in that process, the petitioner should not be prejudiced. Therefore, a workable solution has to be arrived at. The fourth respondent has been able to secure water connection in his name based on the property tax assessment card standing in the name of the father, late Balan. Therefore, similar benefit can also be extended to the petitioner, if he applies for fresh connection in respect of the portion, which, he is in possession.

3. Heard the learned counsels appearing for the respective parties.

4. It is submitted by the learned counsel appearing for respondent/Corporation, on instructions, submits that, if fresh application is given by the petitioner, seeking for provision of separate water supply connection, then, the respondent/Corporation will not remain as an bottleneck for the same and would consider and grant it.

5. In the light of the above, the Writ Petition is disposed of, giving liberty to the petitioner to apply for fresh water supply connection for the portion, in which, he is in possession, and based on the available records and also the property tax assessment card, standing in the name of the father/late Balan, the respondent/Corporation shall consider the said application, and grant separate water connection to the petitioner. If the fourth respondent wants temporary disconnection of the water supply, till repair works are effected, that also can be considered by the respondent-Corporation.

6. The aforesaid exercise shall be completed by the respondent/Corporation within a period of four weeks from the date of receipt of the application from the petitioner. Till the application of the petitioner is processed and separate water connection is provided, the temporary supply of water, which has been restored pursuant to the interim order passed by this Court shall continue. Accordingly, W.M.P.No.1154 of 2016 is ordered. Insofar as W.M.P.Nos.1153 and 3477 of 2016 are concerned, (i.e., the Dispense with Petition and the Petition filed for vacating the interim direction), the same are closed. No costs.

7. In the result, the Writ Petition is disposed of on the above terms. No costs.

-s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Office of the District Collectorate,
Tiruppur.

2. The Commissioner,
Thiruppur Corporation,
Thiruppur District.

3. The Assistant Commissioner,
Zonal No.4, Thiruppur Corporation,
Tiruppur District.

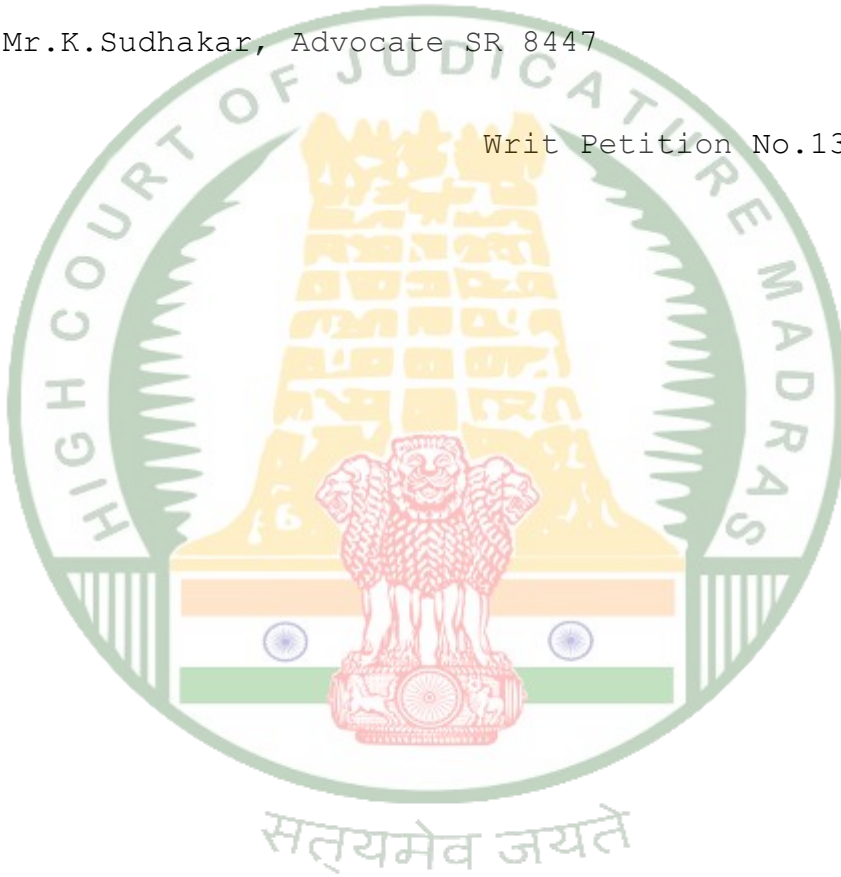
+ 1 cc to M/s.P.Shanthi, Advocate SR 8681

+ 1 cc to Mr.J.Stalin, Advocate SR 8528

+ 1 cc to Mr.K.Sudhakar, Advocate SR 8447

rsi(co)
prk22/2

Writ Petition No.1385 of 2016



WEB COPY