

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2016

Coram

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

Writ Petition No.19413 of 2015

&

M.P.No.1 of 2015

R.Radhakrishnan

...Petitioner

Vs.

1. The Commissioner
Coimbatore Corporation
Coimbatore

2.The Assistant Commissioner
West Zone, Coimbatore City
City Municipal Corporation
Coimbatore

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relating to 2nd respondent proceedings in Roc. No.4927/ 2015/WS4 (W) dated 16.6.2015 to quash the same and consequently direct the respondents to provide new water supply connection to the petitioner residence at No.36,4th Street Gokulam Colony Papanicken Pudur Coimbatore-641 041.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mr.J.Sathyanarayana Rao

O R D E R

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

2. The petitioner has applied for water connection for the property said to be in his possession.

3. The counter affidavit filed by the respondent show that the land has been classified as Kuttai poromboke. In fact the petitioner's application for water supply connection has not

been rejected but it is stated that the petitioner has been directed to produce patta in respect of the property in question. In the light of the recent judgment of Full Bench of this Court in T.K.Shanmugam vs. The State of Tamilnadu & another, reported in 2015, W.L.R.1029 to which I'm a party, the question of converting a water body for any other purpose is wholly unauthorised, illegal and cannot be done.

4. Therefore, the petitioner's claim for patta itself is highly doubtful. Hence the relief sought for in this writ petition cannot be granted and accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

5. After the above order was passed, learned counsel for the petitioner has submitted that the petitioner has remitted a sum of Rs.15,000/- with the respondents and the petitioner may be permitted to get back the money. In the light of the said submission, the petitioner is directed to request the respondents to refund the money which shall be considered and the amount can be refunded after deduction of administrative charges if any within four weeks from the date such request is made, enclosing copy of this order.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner
Coimbatore Corporation
Coimbatore

2.The Assistant Commissioner
West Zone, Coimbatore City
City Municipal Corporation
Coimbatore

+1 cc to Mr.L.Chandrakumar, Advocate, sr.16680

+1 cc to Mr.J.Sathyanarayana Prasad, Advocate, sr.16396

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vsn co
kra 24.03.2016