

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.28737 of 2015

and

M.P No.1 of 2015

B.Joghee

...Petitioner

Vs.

1. The Executive Officer,
Jegathala (Selection Grade) Panjayat,
Aruvankadu, The Nilgiris.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Uthagamandalam,
The Nilgiris.

3. The Inspector of Police,
Wellington Police Station,
Wellington, Coonoor,
The Nilgiris.

4.The Sub-Inspector of Police,
Aruvankadu Police Station,
The Nilgiris.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorarified Mandamus calling for the records in Na.Ka.No.567 of 2014 on the file of the 1st respondent dated 28.08.2014 and quash the same and consequently direct the first respondent to grant water connection to the petitioner's house bearing No.3/6-B, Odhanatty Village, Jegathala (Selection Grade) Panchayat.

For Petitioner : Mr.J.R.Prabhakaran

For R-1 : Mr.N.Sakthivel
Govt. Advocate

For R2-R4 : Mr.T.Girija,
Govt. Advocate

O R D E R

The petitioner applied for water connection before the 1st respondent and by proceedings dated 29.10.2013, water connection was resolved to be granted for 21 persons including the petitioner whose name is appearing in Srl.No.20 of the proceedings. However, due to some dispute between the parties, the water pipe line laid down by the petitioner was damaged which made the petitioner to approach police authorities. The petitioner filed Crl.OP No.18148 of 2014 seeking direction to the police authorities to register the case on the basis of the complaint given by him on 27.03.2014 against the miscreants who damaged the petitioner's water pipeline. Thereafter the matter was settled between the parties. However, water connection was not restored by the first respondent but passed impugned order dated 28.08.2014 denying water connection to the petitioner. Challenging the said order, the petitioner has come before this court by way of this writ petition.

2. Heard Mr.J.R.Prabhakaran, learned counsel appearing for the petitioner, Mr.N.Sakthivel, learned Government Advocate appearing for the first respondent and Ms.T.Girija, learned Government Advocate appearing for the respondents 2 to 4.

3. It is seen from the records that the petitioner had already got permission from the first respondent-local body, as early as on 29.10.2013 alongwith twenty other persons. The dispute between the petitioner and third party was resolved at the instance of the police authorities and that was also recorded in the order of this Court dated 22.07.2014 in Crl.OP No.18148 of 2014. The relevant paragraph is usefully extracted as follows -

3. Though the learned counsel appearing for the petitioner would contend that the dispute between the parties is regarding the damage caused to the water pipe connection by the opposite party, the same petitioner has enclosed a copy of the letter addressed to the (1) Inspector of Police, Wellington Police Station, Wellington (2) Executing Officer, Jagadhala Town Panchayat Union stating that the parties have already solved the issue between themselves and the opposite party have already substituted the damaged water pipeline with new pipes and there is no further dispute between the parties. The 3rd respondent has also requested the Executing Officer, Jagadhala Town Panchayat Union to take further action in the matter of

sanctioning of water connection to the petitioner. If that is so, the remedy available to the petitioner is to approach the Executing Officer, Jagadhala Town Panchayat Union and not by way of a fresh complaint.

4. From the above, it is clear that the petitioner is entitled for water connection however, in the impugned order dated 28.08.2014, it is falsely stated by the first respondent that no one in Othanatti Village was given water connection. The said order is contrary to the proceedings of the first respondent dated 29.10.2013. Even if there are any protest, that should be handled only by the authorities and the protest cannot be a ground to deny water connection to the petitioner, especially when twenty other persons were already provided with water connection. In such view of the matter, the impugned order dated 28.08.2014 passed by the first respondent is liable to be set aside and it is accordingly set aside. The first respondent is directed to provide water connection to the petitioner on or before 17.07.2016, since the petitioner has already paid all the required charges. If necessary, the third respondent police is directed to provide police protection, in case any law and order problem arises while providing water connection to the petitioner.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

5. If the order passed by this Court is not complied with by the first respondent, then the first respondent shall appear before this Court on 18.07.2016. Post the matter on 18.07.2016 at 2.15 p.m. for compliance / appearance.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rgr

To

1. The Executive Officer,
Jegathala (Selection Grade) Panjayat,
Aruvankadu, The Nilgiris.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Uthagamandalam,
The Nilgiris.

3. The Inspector of Police,
Wellington Police Station,
Wellington, Coonoor,
The Nilgiris.

4. The Sub-Inspector of Police,
Aruvankadu Police Station,
The Nilgiris.

+1cc to Mr.J.R.Prabhakaran, Advocate, S.R.No.36774

+1cc to the Government Pleader, S.R.No.37519

SKV(CO)
EU(06/07/2016)

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