



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.20823 of 2016

Balaji Seenivasan
through his power agent
Anand Mohan

... Petitioner

-vs-

The Executive Officer,
Pannaikaadu Town Panchayat,
Dindigul District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus for the records pertaining to the Impugned order of the Respondent vide his proceedings in Na.Ka.No.107/2016-17 dated 13.10.2016 and consequently direct the Respondent to give drinking water connection to the property situated in S.F.No.849/1 and to Patta No.2183 at Pannaikaadu Main road Kodaikanal Taluk Dindigul District and pass such further or other order as this Court.

For Petitioner : Mr.K.Sivabalan

For Respondent : Mr.K.Guru
Additional Government Pleader

O R D E R

This Writ of Certiorarified Mandamus has been filed seeking to quash the impugned order dated 13.10.2016, passed by the respondent and consequently direct the respondent to give drinking water connection to the property situated in S.F.No.849/1 and Patta No.2183 at Pannaikaadu, Main road, Kodaikanal Taluk, Dindigul District.

2.Hear the learned counsel for the petitioner and the learned Additional Government Pleader for the respondent.

3.The petitioner is a power agent. The petitioner's principal, who is working in America, wanted to put up a construction as farm house in S.F.No.849/1 at Pannaikaadu Main



Road, Kodaikanal Taluk, Dindigul District. The said construction was approved by the respondent by the proceedings dated 21.04.2015. The respondent has issued approved plan to the petitioner. After finishing construction, the petitioner applied for drinking water connection on 07.10.2016, for which, the petitioner has paid a sum of Rs.5,110/-.

4.The respondent herein has passed the impugned proceedings, by which, the application submitted by the petitioner for water service connection was rejected. That was under challenge in this Writ petition.

5.Contending that it is mandatory on the part of the Government to provide drinking water to all its citizens and there is no statutory rule or Act prohibiting to give water connection to the farm house, the writ petition is filed.

6.During pendency of the writ petition, the Executive Officer i.e, the respondent herein has passed an order stating that in order to lay pipe line at the cost of the petitioner, the petitioner must be prepared to spend a sum of Rs.8,00,000/- and that must be paid well in advance and the second condition is that the petitioner should obtain permission from the Highways Department.

7.The learned counsel for the petitioner submitted that the petitioner is prepared to abide the two conditions and therefore, subject to these conditions being complied with by the writ petitioner, this writ petition can be ordered.

8.Under such circumstances, the impugned order passed by the respondent dated 13.10.2016 is set aside. The order passed by the Executives Officer/respondent herein is placed record. The respondent is directed to give drinking water connection, after the the petitioner complying with the two conditions, that are spelt out in the proceedings dated 17.11.2016.

9.The writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar



To

The Executive Officer,
Pannaikaadu Town Panchayat,
Dindigul District.

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+1 cc to Mr.K.SIVA BALAN, Advocate, Sr.No:72391
+1cc to M/S Special Government Pleader, Sr No.72659

mj

MAS/MPA-JK:18.01.2017: 3P/4C

W.P (MD) No.20823 of 2016

24.11.2016