



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD)No.569 of 2016

K.Mani

... Petitioner

Vs.

The President,
S.Kallampatti Village,
Melur Taluk,
Madurai District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to quash the impugned order passed by the respondent dated 29.12.2015 and directing the respondent to give drinking water supply connection to the petitioner's house on the basis of the order of this Court in W.P.(MD) No.17872 of 2015 dated 24.11.2015 within a time frame.

For Petitioner :Mr.S.Titus

For Respondents :Mr.G.Muthukannan
Government Advocate

ORDER

This Writ Petition is filed challenging the order passed by the respondent dated 29.12.2015 and consequentially directing the respondent to give drinking water supply connection to the petitioner's house based on the order already passed by this Court in W.P.(MD)NO.17872 of 2015 dated 24.11.2015.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

3. In pursuant to the order passed by this Court on 11.01.2016, the respondent is also personally present before this Court.

4. The petitioner is the resident of S.Kallampatti village and has constructed a house with Door NO.3/205, Ward (3), S.Kallampatti Village, Melur Taluk, Madurai District. Seeking water supply connection to his house, the petitioner approached the respondent and however as the same was not provided, he filed a writ petition in W.P.(MD)No.17872 of 2015 wherein this Court directed the respondent to consider the claim of the petitioner and take necessary steps to provide water supply connection and pass appropriate orders. Pursuant to the order passed in the said writ petition, the present impugned order is passed by the respondent on 29.12.2015 stating that the provision of individual connection will cause service of water to the panchayat and therefore the request of the petitioner cannot be considered and on the other hand he can draw water from the pipeline provided in the street locality 100ft away from



the petitioner's house.

5. After notice, the respondent filed a counter affidavit wherein it is stated that the petitioner is not the only person who made application seeking for individual water connection and there are 16 other persons who also made the applications and waiting to get the connection. It is further stated in the counter affidavit that the petitioner is in Serial Number 15, having made application on 28.08.2015 whereas 14 other persons are above than the petitioner in the seniority list. It is also stated that already OHT tank has been constructed for the purpose of providing additional drinking water and insofar as for providing pipeline extension is concerned, due to financial deficit, the same could not be completed and the respondent has made a request to the District Collector for providing fund for the pipeline extension work.

6. After saying so in the counter affidavit, when this Court put a question to the learned Counsel appearing for the respondent as what would be the approximate time expected for completing the work, the learned Standing Counsel submitted that two to three months time may be required to complete the work.

7. Considering the fact that there are 17 persons who made the applications seeking for individual water connection are waiting to receive such facility and the petitioner being in Serial No.15, I am of the view that sufficient time must be given to the respondent to complete the work and provide water supply service connection to the petitioner as well as others who made applications. Needless to say that the District Administration should provide the financial assistance for effecting such service connection, as providing of water supply is a basic amenity which cannot be denied without sufficient and valid reason.

8. The learned Counsel appearing for the respondent also submitted that the petitioner should pay necessary house tax to the panchayat before making such facility and there are some arrears payable by the petitioner in that aspect.

9. Needless to say that the petitioner being a lawyer must set himself as an example to other citizens and discharge his liability in payment of tax to the local authority without committing any default. Considering the above said facts and circumstances, this writ petition is disposed of with a direction to the respondent to complete the pipeline work and provide water supply to the petitioner's house as well as other applicants who have made applications so far, within a period of three months from the date of receipt of a copy of this order.

10. With the above directions this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar



To

The President,
S.Kallampatti Village,
Melur Taluk,
Madurai District.

+1 CC to Mr.S.TITUS, Advocate, SR No.3853/16.

W.P. (MD) No.569 of 2016
22.01.2016

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