



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.10.2016

Coram

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THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**

Writ Petition (MD)No.8800 of 2016

and

W.M.P. (MD) .Nos.7004 and 7005 of 2016

A.R.Karuppiah

. . .

Petitioner

-Vs-

1.The District Collector,
Dindigul District,
Dindigul.

2.The Executive Officer,
Sri Ramapuram Town Panchayat,
Dindigul District.

. . .

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the second respondent dated 12.04.2016 in Na.Ka.No.451/2013 and set aside the same as illegal and consequently direct the second respondent to provide water connection to the petitioner either new water connection nor transfer the existing water connection No.110 to him within a time as may be fixed by this Court.

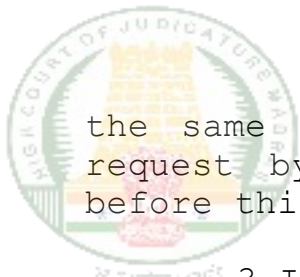
For petitioner
For respondents

:Mr.V.Sasikumar
:Mr.V.Muruganandam
Addl. Govt. Pleader for R-1
Mr.S.Kumar
Addl. Govt. Pleader for R-2

ORDER

Challenging the order passed by the second respondent, refusing to transfer the water connection in favour of the petitioner, by referring to a case, pending before this Court, the petitioner has come up with this writ petition.

2.According to the petitioner, he is residing in Door No.7B, Kodalvali Village, Sri Ramapuram Town Panchayat, Dindigul District. He approached the second respondent for providing transfer of water service connection No.110, standing in the name of his daughter Subbulakshmi in the same Town Panchayat and to get



the same in his name. But the second respondent rejected his request by the impugned order stating that a case is pending before this Court.

3. In this regard, the learned Additional Government Pleader appearing for the first respondent submitted that in respect of the house, in which, the petitioner sought for service connection, a civil suit in O.S.No.716 of 1997 on the file of the Principal District Munsif Court, Dindigul was preferred for the relief of injunction and the said suit was decreed. Against which, the second respondent filed an appeal in A.S.No.493 of 2004 and the appeal was also dismissed by the Principal Sub Court, Dindigul on 14.09.2007. Against the above judgment and decree passed in the first appeal, the second respondent/Town Panchayat filed a second appeal in S.A.Sr.(MD).No.12880 of 2015.

4. According to the petitioner, the respondents did not taken any steps to move the second appeal and he has not received any notice in the second appeal.

5. The learned Additional Government Pleader appearing for the second respondent submitted that against the judgment and decree passed in A.S.No.493 of 2004, the second respondent filed a second appeal before this Court and no interim order was passed till date.

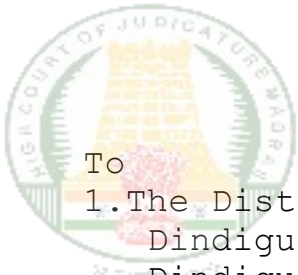
6. Heard the submissions made on either side and perused the material documents carefully.

7. Considering the above submissions, this Court is of the view that against the judgment and decree passed in the year 1997, after 9 years, it is not open to the second respondent to refuse to grant water service connection by citing a reason that the matter is pending before this Court. In the above circumstances, the refusal order passed by the second respondent, dated 12.04.2016, is set aside.

8. Accordingly, the writ petition is allowed. The second respondent is directed to transfer the water service connection standing in the name of the petitioner's daughter in the name of the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. It is also made clear that shifting of water service connection is subject to the result of second appeal, pending before this Court. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Executive Officer,
Sri Ramapuram Town Panchayat,
Dindigul District.

+1 cc to MR. A.MOHAN, Advocate SR.No.58424

+1 cc to SPECIAL GOVERNMENT PLEADER SR.NO.58266

W.P. (md) .NO.8800 of 2016
03.10.2016

SMA/SKS-RR/21.10.2016:3P/6C