

13

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 267/2016 & CM APPL. 1079/2016

RAJU

..... Petitioner

Through: Mr. Srinavasa Rao K., Advocate.

versus

DELHI JAL BOARD THROUGH ITS

CHIEF EXECUTIVE OFFICER AND ANR

..... Respondents

Through: Mr. Siddhartha Nagpal, Advocate for
Mr. Sumeet Pushkarna, Advocate for
respondents No.1 and 2.

%

Date of Decision: 22nd January, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

CM Appl. 1079/2016 (exemption) in W.P.(C) 267/2016

Allowed, subject to just exceptions.

W.P.(C) 267/2016

1. Present writ petition has been filed challenging the order dated 13th October, 2015 passed by the respondents whereby the respondents have asked the petitioner to submit documents to show absolute ownership of the property in order to get new water connection in property No.394, Chirag Delhi, New Delhi.

2. Petitioner also seeks direction to the respondents to install actual water connection at the premises of the petitioner i.e. House No.394, Chirag Delhi, New Delhi-110017, inasmuch as K.No.6972273626 has already been generated in favour of the petitioner.
3. Learned counsel for petitioner states that petitioner's grandfather who is alive has executed a registered Will in his favour which petitioner's sisters are challenging by way of a civil suit which is pending.
4. Learned counsel for petitioner further states that petitioner has an Election card, Gas connection and Electricity connection amongst others in his favour, which show that he is in settled possession of the aforesaid property.
5. Learned counsel for petitioner submits that the ownership of the property is not *sine qua non* for providing a new water connection and possession of the property is sufficient to seek independent water connection from the respondent. In support of his submission, he relies upon a judgment of the Division Bench of this Court in ***Geeta Kumar Vs. Delhi Jal Board, LPA 720/2014*** decided on ***05th November, 2014***.
6. On the other hand, learned counsel for respondents has today handed over in Court copy of E-mail and documents which show that petitioner's relatives have been requesting the Delhi Jal Board not to grant any water connection to the petitioner on the ground that the petitioner is not the owner of the property in question.
7. Learned counsel for respondents states that as there is serious dispute with regard to the ownership of the property, respondents are not inclined to grant a water connection to the petitioner.

8. This Court is of the opinion that if the petitioner's relatives have a grievance with regard to grant of water connection, they are at liberty to seek appropriate relief in the civil suit which is already pending. Also, just because certain complaints have been filed by the relatives and/or friends of the petitioner, the Delhi Jal Board does not get the right to deny a water connection. After all, property disputes have to be adjudicated upon by a civil court and not Delhi Jal Board.

9. Moreover, as water is an essential amenity without which no person can use a property, this Court directs that when a person is in settled possession of the property and the only dispute is with regard to ownership, then water connection should not be denied till there is a Court order to the contrary.

10. Consequently, present writ petition is allowed and the impugned order dated 13th October, 2015 is quashed.

Order dasti.

MANMOHAN, J

JANUARY 22, 2016

js