

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

WRIT PETITION No. 44699 of 2016

K.Santha

.. Petitioner

Vs.

1.The District Collector,
Namakkal District.

2.The Special Officer,
Vettambadi Panchayat,
Namakkal Taluk & District.

3.Perumayee

4.P.Subramanian

5.Vanathi

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing respondents 1 and 2 to provide the drinking water connection in Door No.4/91, Kudi Street, Vettambadi Village, Namakkal Taluk and District as per the application dated 14.06.2016.

For Petitioner : Mr.Ma.P.Thangavel

For Respondents : Mr.R.A.S.Senthilvel,
Addl. Government Pleader for R1

Mr.J.H.Iniyan for R2

No appearance for R3 to R5

ORDER

The petitioner sought for water connection for drinking purpose to the property situated at door No.4/91, Kudi Street, Vettambadi Village, Namakkal Taluk, through his application dated 14.06.2016. The request of the petitioner was not considered by the respondent No.2, presumably on the objection said to have been made by the respondents 3 to 5 being the neighbours of the petitioner.

2. Despite the notice having been served, none appears for the respondents 4 and 5. The respondent No.3 has refused notice, which would only mean that there would be proper service. The matter stands posted today as even on the last hearing, there was no representation for respondents 3 to 5.

3. In the counter affidavit filed by the respondent No.2, it has been merely stated that an objection has been made by respondent Nos.3 to 5 that

they have civil dispute with the petitioner and therefore no such connection can be given.

4. This Court is afraid that the said objection, without any basis, cannot be sustained in the eye of law. A mere statement that that there is a civil dispute by itself cannot be a ground to deny the water connection. If respondents 3 to 5 have got any civil dispute, it is for them to work out the remedy in the manner known to law. Consequently, the second respondent is directed to provide drinking water connection to the petitioner's property within a period of 6 weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

16.03.2017

raa

To

1.The District Collector,
Namakkal District.

2.The Special Officer,
Vettambadi Panchayat,
Namakkal Taluk & District.

M.M.SUNDRESH. J

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