



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.11201 of 2014
and
M.P (MD) Nos.1 and 2 of 2014

N.Vijayakumari

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai, Tirunelveli District.

3.A.K.Srinivasan,
The President,
Thisayanvilai Town Panchayat,
Thisayanvilai, Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in his proceedings Na.Ka.37/2014 dated 30.06.2014 and quash the same as illegal and consequently to direct the first respondent to consider the petitioner's representation dated 26.06.2014 to disconnect the illegal water service connection in the Thisaiyanvilai Panchayat and provide water service connections to the petitioner by following seniority.

For Petitioner

: Mr.T.Lenin Kumar

For Respondent No.1

: Mr.J.Gunaseelan Muthaiah,
Government Advocate.

For Respondent No.2

: Mr.V.Muruganandam

For Respondent No.3

: Mr.R.Anand

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent dated 30.06.2014 and also direct the first respondent to disconnect the illegal water service connection in the Thisaiyanvilai Panchayat and provide water service connections to the petitioner by following seniority, on the basis of the representation of the petitioner dated 26.06.2014.

2.The case of the petitioner is that the petitioner is having two houses in Thisayanvilai, for which, she submitted two applications for water service connection, to the second respondent along with necessary fee. But, the second respondent has not provided water connection. Therefore, the petitioner and her husband made representations to the first respondent seeking to take action against the second respondent for his irregularity. Since no action was taken, she filed W.P(MD)No.7142 of 2014, wherein this Court directed her to make a fresh representation and also directed the second respondent to pass orders on the same. Without following the same, the second respondent has passed the impugned order, rejecting her representation. Therefore, the petitioner is before this Court.

3.The learned counsel for the petitioner would submit that the second respondent has passed the impugned order, without hearing the petitioner.

4.The learned counsel for the second respondent would submit that the second respondent is ready to give water service connections to the houses of the petitioner and the claim of the petitioner would be considered, if she produces necessary documents along with required fee.

5.Heard the learned counsel appearing for the petitioner.

6.Considering the above submission made on the side of the second respondent, without going into the merits of the petitioner's claim, directs the petitioner to produce Valuation Certificate along with necessary fee to the second respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the case of the petitioner, within a period of two weeks, thereafter. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.



7. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

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/True Copy/

Sd/-
Assistant Registrar(AE)

Sub-Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Executive Officer,
Thisayanvilai Town Panchayat,
Thisayanvilai, Tirunelveli District.

+One cc to Mr.T.Lenin Kumar, Advocate, SR.No.67356

+One cc to The Special Government Pleader, SR.No.67966

smn
RL/5C/3P/JC/SAR1/2/8/2017

ORDER MADE IN

W.P(MD)No.11201 of 2014
and
M.P(MD)Nos.1 and 2 of 2014

24/07/2017