



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.11538 of 2015

Ramalakshmi

... Petitioner

Vs.

1. The Commissioner
Madurai Municipal Corporation,
Madurai.

2. The Assistant Commissioner,
Madurai Zone II,
Madurai Municipal Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in Z2A13/03293/15 dated 28.05.2015 and to quash the same by directing the respondents to renew the water supply in connection No.NG8376 to the petitioner.

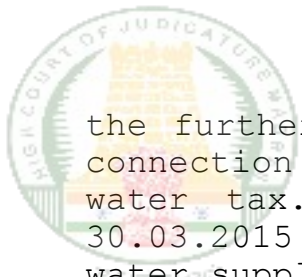
For Petitioner : Mr.V.A.Dhana Aravindh Balaji
For Respondents : Mr.N.Shanmugaselvam,

O R D E R

This writ petition has been filed, seeking to quash the impugned order in Z2A13/03293/15 dated 28.05.2015, passed by the 2nd respondent, with further direction to the respondents to renew the water supply connection in No.NG8376, to the petitioner.

2. Heard the learned counsel on either side.

3. It is the case of the petitioner that the petitioner is the absolute owner of the property situated at Door No.7, Vaigai Vadakarai, Alwarpuram, Madurai and the adjoining property of her land was purchased by one Nagalingam and Lakshmi Ammal on 31.03.1999 and both of them are her in laws. It is the further case of the petitioner that with an ulterior motive to create encumbrance in her property, they attempted to create bogus deeds. The petitioner preferred a suit for injunction against them in O.S.No.144 of 2015 on the file of the Principal District Munsif, Madurai Town. It is



the further submission of the petitioner that the old water supply connection stands in her name and till date, she has been paying water tax. Therefore, the petitioner made representations dated 30.03.2015 and 13.04.2015 to the 1st respondent seeking to renew the water supply connection and the 2nd respondent by the impugned order, dated 28.05.2015, refused to renew the same. Aggrieved over such refusal, the petitioner has come before this Court with the above prayer.

4. A scrutiny of the impugned order would reveal that there is no reason whatsoever assigned for declining the renewal of water connection as sought for by the petitioner and it has been merely pointed out that there is a civil dispute pending between the parties. Therefore, on this sole ground, the impugned order is liable to be set aside.

5. In the result, this writ petition is allowed. The impugned order dated 28.05.2015 is set aside and the matter is remitted to the authority for fresh consideration on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and all other interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner
Madurai Municipal Corporation,
Madurai.

2. The Assistant Commissioner,
Madurai Zone II,
Madurai Municipal Corporation,
Madurai.

+ 1 CC TO M/s.DHANA LAW ASSOCIATES, IN SR No. 67453

+ 1 CC TO Mr.]N.SHANMUGA SELVAM, ADVOCATE IN SR No. 67477

RM

TE/JC/SAR-III : 21/08/2017 : 2P/5C