



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)No.583 of 2017

and C.M.P.(MD) No.4880 of 2017

J.K.Pradeep Kumar

... Appellant/Petitioner

Vs.

1.Balaji Seenivasan

Through his Power Agent Anand Mohan

2.The Executive Officer,
Pannaikadu Town Panchayat,
Pannaikadu, Kodai Hills,
Dindigul District.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.20823 of 2016 dated 24.11.2016.

Prayer in WP(MD). 20823/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS for the records pertaining to the Impugned order of the Respondent vide his proceedings in Na.Ka.No.107/2016-17 dated 13.10.2016 and consequently direct the Respondent to give drinking water connection to the property situated in S.F.No.849/1 and to Patta No.2183 at Pannaikaadu Main road, Kodaikanal Taluk, Dindigul District and pass such further or other order as this Honble Court.

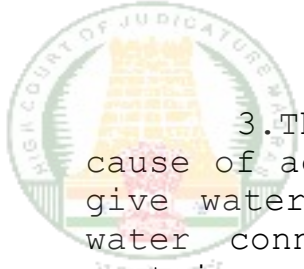
For Appellant	: Mr.K.P.S.Palanivel Rajan
For 1st Respondent	: Mr.J.Lawrance
For 2nd Respondent	: Mr.VR.Shanmuganathan Special Government Officer

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

The writ appeal has been preferred against the order of the learned Single Judge dated 24.11.2016, passed in W.P.(MD) No.20823 of 2016.

2.Heard the learned counsel appearing for the appellant, learned counsel appearing for the 1st Respondent and the learned Special Pleader appearing for the 2nd respondent and also perused the materials available on record.



3.The writ petition was originally filed in pursuant to the cause of action which has arisen on a refusal by the local body to give water connection. During the pendency of the Writ Petition water connection was given to the writ petitioner subject to certain conditions. The writ petitioner agreed to comply with the conditions. Therefore, the learned Single Judge has issued consequential mandamus. The petitioner has filed this appeal objecting to the service connection on the ground that no such water can be given. In fact the appellant herein relied upon the earlier conditions imposed at the time of granting building permission and subsequent one, rejecting the request made by the writ petitioner. This, in our considered view, cannot be a ground to be adjudicated in this appeal. The subsequent decision made by the local authority constitutes a separate cause of action. Therefore, if the appellant is aggrieved against the same, it is open to him to challenge the same in the manner known to law. Similarly the question as to whether the building is a sanctioned one and construction is as per the sanction granted is also not a subject matter of the writ petition and not the writ appeal.

4.With the above said clarification, this Writ Appeal is disposed of. Liberty is given to the appellant to take appropriate action in accordance with law, if so advised. At the cost of repetition, we make it clear that the order of the learned Single Judge is not on merits and therefore, it will not prevent or stand in the way of appellant to adjudicate in the manner as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Executive Officer,
Pannaikadu Town Panchayat,
Pannaikadu, Kodai Hills, Dindigul District.

+1cc to M/S.K.P.S.Palanivel Rajan, Advocate SR.No. 69650
+1cc to M/S.J.Lawrance, Advocate SR.No. 70037
+1cc to Special Government Pleader, SR.No. 70194

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