



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

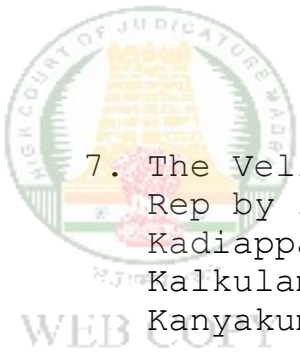
**W.P. (MD)No.10578 of 2017
and
W.M.P. (MD) .No. 8063 of 2017**

P.Kingsly Jones

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of Municipal Administration and
Water Supply, Fort St.George,
Chennai - 9.
2. The District Collector,
Kanyakumari District,
Kanyakumari.
3. The Tamil Nadu Water Supply and
Drainage Board,
Rep by the Executive Engineer,
20, Cave Street, Nagercoil,
Kanyakumari District.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil, Kanyakumari District,
Kanyakumari.
5. The Block Development Officer,
Kurathancode Panchayat Union,
Kalkulam,
Kanyakumari District.
6. The Kadayapattinam Panchayat,
Rep by its Executive Engineer,
Kadayappattinam,
Kadiapattanam Vilalge,
Kanyakumari District.



7. The Vellimalai Panchayat,
Rep by its Executive Officer,
Kadiappattanam Village,
Kalkulam Taluk,
Kanyakumari District.

8. K.Balakrishnan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.2 to permit the petitioner to draw water from survey No.406/9 Kadiyapattinam Village, Knayakumari District as per proceedings of the respondent No.1 in Se.Mu.No.A3/722/2017, dated 27.03.2017 within the timeframe stipulated by this Court.

For petitioner	: Mr.T.Lajapathy Roy
For respondents	: No appearance for R 3, 5 to 7 : Mr.Subbiah, Senior Counsel, for Mr.N.Subramanian for R-8

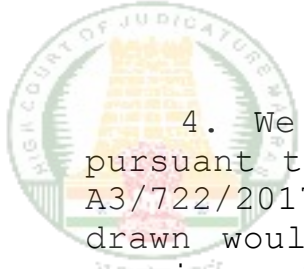
O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This Writ Petition has been filed in public interest for directing the respondents to draw water from the land in survey No. 406/06 Kadaiyapattinam Village, Kanyakumari District, as per proceedings of the first respondent in Se.Mu.No. A3/722/2017, dated 27.03.2017.

2. According to the writ petitioner, the villagers of Kadaiyapattinam village are dependant on Valiyar river for fulfilling their water needs. The said river has become polluted. Therefore, they are dependant on the private water suppliers of Vellimalai village panchayat, who sell water at high rates. Therefore, the residents of the village donated lands in survey No.406/6 measuring an extent 57.5 cents in favour of the Government for drawal of water.

3. Subsequently, the second respondent issued proceedings dated 27.03.2017 for installing borewell and for providing pipelines to take water to Kadaiyapattinam panchayat. But the allegation is that the eighth respondent herein who is a water supplier is opposing such a project as his business interest would be affected. In this regard, the writ petitioner had given a representation, dated 04.04.2017 to the second respondent. Since it was not considered, he has filed this writ petition.



4. We direct the second respondent to take further action, pursuant to the earlier proceedings dated 27.03.2017 in Se.Mu.No. A3/722/2017. The Second respondent shall ensure that water so drawn would be used exclusively for catering to the residential requirements of Kadaiyapattinam village and that the water shall not be deviated for any other purpose. In other words, it shall be used for meting out the drinking water requirements of Kadaiyapattinam village. Such exercise shall be completed as expeditiously as possible.

5. This writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

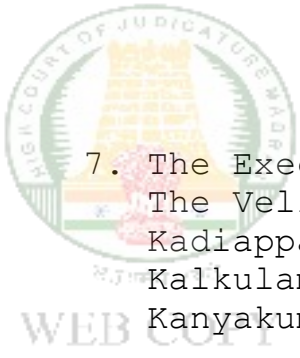
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
Department of Municipal Administration and
Water Supply, Fort St. George,
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6. The Executive Engineer,
Kadaiyapattinam Panchayat,
Kadaiyapattinam,
Kadaiyapattinam Vilalge,
Kanyakumari District.



7. The Executive Officer,
The Vellimalai Panchayat,
Kadiappattanam Village,
Kalkulam Taluk,
Kanyakumari District.

+1cc to Mr.T.Lajapathy Roy, Advocate SR.No.66761
+1cc to The Spl.Government Pleader Sr.No.67133

DSK/MM/SSS

VB/GT/SAR2/08/08/2017/4P/10C

ORDER MADE IN
W.P. (MD) No.10578 of 2017
20.07.2017