

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.06.2017****CORAM:****THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM****W.P. (MD) No. 2090 of 2017**

N. Rajaiyan

...Petitioner

-Vs-

1. The Executive Officer,
Reethapuram Town Panchayat,
Reethapuram,
Kanyakumari District.

2. Sundarraaj

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to give drinking water connection to the house of the petitioner bearing door No.12/2, Samyhattavilai, Palapallam Post, Kanyakumari District.

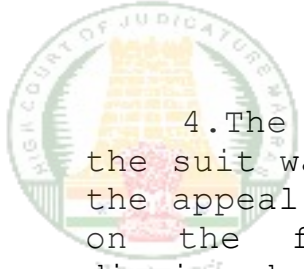
For Petitioner : Mr.R.Devaraj
For R1 : Mr.D.Muruganandham,
Additional Government Pleader

ORDER

The petitioner has come up with the present Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to give drinking water connection to the house of the petitioner bearing door No.12/2, Samyhattavilai, Palapallam Post, Kanyakumari District.

2. Heard Mr.R.Devaraj, learned Counsel appearing for the petitioner and Mr.D.Muruganandhan, learned Additional Government Pleader appearing for the first respondent.

3. Mr.R.Devaraj, learned counsel for the petitioner would submit that the petitioner had purchased 5 cents through a registered sale deed dated 16.12.1983 and another 2 cents by a registered sale deed dated 23.08.1984 and he has been in possession and enjoyment of the properties. Since the second respondent had disputed the title of the petitioner, he instituted the suit in O.S.No.114 of 2002 on the file of the Principal District Munsif Court cum Judicial Magistrate, Eraniel for declaration of his title and for consequential permanent injunction.



4.The learned Counsel further submitted that after contest, the suit was decreed on 23.03.2005 in favour of the petitioner and the appeal preferred by the second respondent in A.S.No.66 of 2005 on the file of the Subordinate Judge, Padmanabapuram was dismissed. Against the concurrent findings, the second respondent has preferred the second appeal and he could not be granted any interim order in his favour.

5.The learned Counsel would further submit that the petitioner had approached the first respondent seeking water connection on 09.08.2016 and also paid necessary fees. Though the first respondent passed the order on 12.08.2016 granting permission to the petitioner to have a water connection, so far as the water connection is not given. Hence the petitioner has filed the present Writ Petition.

6. Mr.D.Muruganandham, learned Additional Government Pleader appearing for the first respondent would submit that the application of the petitioner is under consideration by the first respondent.

7. In view of the above submissions, the first respondent is directed to provide water connection to the petitioner as per the order of the first respondent dated 12.08.2016 as expeditiously as possible , preferably within a period of four weeks from the date of receipt of copy of this order.

8.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Executive Officer,
Reethapuram Town Panchayat,
Reethapuram,
Kanyakumari District.

+1cc to Mr.R.Devaraj, Advocate Sr.No.62009
+1cc to Spl.Government Pleader Sr.No.61952

MSA/TA

VB/MR/SAR1/10.07.2017/2P/4C

W.P. (MD) No.2090 of 2017

22.06.2017