

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 31.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.4956 of 2017

and

W.M.P (MD) No.3992 of 2017

S.Gnanasambandan

... Petitioner

Vs.

1. The District Collector,
Collectorate Buildings,
Madurai - 20.
2. The Assistant Director of Panchayat,
Collectorate Buildings,
Madurai - 20.
3. The Block Development Officer,
Melur Village Panchayat,
Melur, Madurai District.
4. The President,
T.Vellalapatti Panchayat,
T.Vellalapatti Post,
Therkutheru, Madurai District.

5.P.T.Ponnulingam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to take appropriate action against the fifth respondent for drawing drinking water to his agriculture land and coconut trees from the street pipeline used by the public based on the petitioner's representations dated 25.07.2016, 09.01.2017 and 07.02.2017.

For Petitioner

: Mr.S.Alagarsamy

For Respondent

: Mr.S.Kumar,

Additional Government Pleader
for R.1 and R.2Mr.J.Gunaseelan Muthiah,
Government Advocate for R.3

**ORDER**

This writ petition has been filed by the petitioner to issue a Writ of Mandamus, to direct the respondents 1 to 4, to take appropriate action against the fifth respondent for drawing drinking water to his agricultural land and coconut trees from the street pipeline used by the public, based on the representations of the petitioner and others dated 25.07.2016, 09.01.2017 and 07.02.2017.

2. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for respondents 1 and 2 and the learned Government Advocate appearing for the 3rd respondent.

3. According to the learned counsel for the petitioner, the fifth respondent herein was drawing drinking water from the street pipeline used by the public, to his agricultural land and coconut trees, which leads to acute shortage of drinking water in their place. Therefore, the petitioner along with the public, submitted representations dated 25.07.2016 and 09.01.2017, to the respondents 1 to 3 to take appropriate action against the illegal action of the fifth respondent. While so, the said allegations were denied by the third respondent vide reply dated 23.01.2017 and the drinking water connection of the petitioner has been disconnected by the fifth respondent. When he approached the third respondent, he was informed that new water service connection could not be provided due to the prevailing water crisis. Aggrieved by the same, he submitted representation dated 07.02.2017, to the respondents 1 to 3. As the same has not been considered, the petitioner is before this Court, with the aforesaid prayer.

4. Considering the facts and circumstances of the case, this Court, without going into the merits of the petitioner's claim, directs the respondents 1 to 3, to consider the representation of the petitioner dated 07.02.2017 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the fifth respondent, within a period of six weeks from the date of receipt of a copy of this order. In the meanwhile, the respondents are directed to re-connect the water connection to the petitioner's premises forthwith, if he is not having any arrears. If the petitioner is having any arrears, necessary water connection has to be provided, on payment of entire arrears.

5. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True copy/



To

1. The District Collector,
Collectorate Buildings,
Madurai - 20.

2. The Assistant Director of Panchayat,
Collectorate Buildings,
Madurai - 20.

3. The Block Development Officer,
Melur Village Panchayat,
Melur, Madurai District.

+1 cc to Mr.S.Alagarsamy , Advocate in SR.No. 69539

+1 cc to The Special Government Pleader in SR.No.69301

gk

AE/MR KKR/SAR1/08.08.2017/3P/6C

W.P. (MD) No.4956 of 2017

and

W.M.P (MD) No.3992 of 2017

31.07.2017