

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 40659 OF 2015

AND

CONTEMPT CASE No. 867 OF 2016

COMMON ORDER:

This Writ Petition has been filed questioning the notice dated 23.11.2015 issued by the 2nd respondent Panchayat Secretary, Pandikona Gram Panchayat directing the petitioner to remove the drinking water supply connection to his house bearing No. 7-102 of Pandikona Village, Pattikonda Mandal, Kurnool District.

The grievance of the petitioner is that in 2015, he was given a tap connection to his house, however, by resolution dated 21.11.2015, the gram panchayat had taken a decision to disconnect the said water connection, on account of some political rivalries.

This Court *vide* order dated 15.12.2015, while issuing notice in the Writ Petition, directed the respondents not to disconnect the tap connection, but however, on the same day itself, disconnection was affected. Hence, the petitioner filed Contempt Case No. 2188 of 2016. Thereafter, this Court, by order dated 12.04.2016 in W.P.M.P.No. 14998 of 2016, directed restoration of water supply connection to the petitioner's house. On the ground that the said order was also not obeyed, C.C. No. 867 of 2016 came to be filed.

In the counter-affidavit filed by the 3rd respondent, it has been categorically asserted that the petitioner had, in fact, laid the pipe line, on his own, when, in the entire village, no private tap connections are allowed due to scarcity of water. The gram panchayat, in its meeting held on 21.11.2015, while recording that

the petitioner laid the pipe line without obtaining permission, had resolved to request him to remove the water connection and to allow the same only after granting permission. Pursuant to the resolution passed on 21.11.2015, the petitioner was issued the notice on 23.11.2015. It has been further stated by the 3rd respondent that on account of scarcity of water in the village, no individual private tap connections are being provided and the connections, which the petitioner alleges to have been provided to the other individuals are, in fact, the one provided on public streets, where any villager can avail the facility of taking water. It is further asserted by the respondents that the 3rd party affidavits filed by the petitioner were obtained by inducing the 3rd parties and as a matter of fact, one of the persons, who sworn to the same, had denied having given such an affidavit.

Heard learned counsel for the petitioner as well as Sri V.L. Surendra, learned Standing Counsel for the respondent gram panchayat.

Though, initially, the learned counsel for the petitioner has submitted that the factum of giving private tap connections to other villagers can be ascertained by appointing an Advocate-Commissioner, realizing the expenses involved, would submit that if any private connections are provided to others, the same facility may be extended to the petitioner also, subject to availability of water. The request of the learned counsel is not opposed by the learned Standing Counsel for Respondents 2 and 3 who would submit that as on date, there is no possibility of providing private

connections, however, the request of the petitioner would be considered in the event sufficient water is available.

Recording the submission made by the learned Standing Counsel, making it clear that the petitioner would be entitled to the benefit of private tap connection, subject to availability of water and subject to other villagers being extended the same facility, the Writ Petition is closed.

In view of closure of the Writ Petition itself, nothing survives for adjudication in the Contempt Case and it is accordingly closed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

22nd August 2017

ksld

CHALLA KODANDA RAM, J

