

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.24291 of 2014

J.Sudhakar

... Petitioner

Vs

The Executive Officer,
Narasimma Naicken Palayam Panchayat,
Narasimman Naicken Palayam P.O.,
Coimbatore.

...Respondent

Prayer:- This Writ Petition has been filed under Article 226 of the Constitution of India for a writ of Mandamus directing the respondent to give two water connections to the petitioner's premises at 4/16 and 4/16A, Dr.Daniel Nagar, Thoppampatti PO., K-Vadamadurai, Coimbatore - 17.

For Petitioner : Mr.V.Karthikeyan

For Respondent : Mrs.A.Srijayanthi

ORDER

This writ petition has been filed seeking a direction to the respondent to effect water connection to the petitioner premises. According to the petitioner, he has constructed a residential house in the petition mentioned premises after obtaining necessary building permission from the respondent and he has also paid necessary property tax. Thereafter, the petitioner made an application for getting water connection. But so far, the respondent did not pass any orders for effecting water connection to the petitioner.

2.The respondent has filed a counter affidavit stating that a planning permission was obtained by the petitioner for a residential house but thereafter, in total violation of approved plan, the petitioner converted the same into religious purpose

without getting approval from the District Collector. Several complaints were also received from the people living in that area stating that the petitioner causing severe nuisance to them. On inspection, the respondent found that the petitioner has completely deviated from the planning permission. Hence, the respondent has taken action and canceled the property tax assessment. Under such circumstances, question of granting water connection to the petitioner premises would not arise till such time the building is restored as residential one.

3.The learned counsel for the petitioner would submit that the petitioner is not conducting any religious prayer in the house and only a week end prayer is being conducted in the ground floor with family members that too without any hindrance to anybody.

4.The learned counsel for the respondent submitted that lot of complaints have been received from the people residing in that area that the petitioner is using loud speaker and microphones in the premises and conducting religious prayer every day thereby causing nuisance to the people residing in that area.

5.Now, the petitioner has come forward to file an undertaking affidavit stating that they are only doing weekend prayers and the petitioner will not use any speaker or microphones in the said premises, in future. The relevant portions of the undertaking affidavit reads as follows:-

"3.I respectfully submit that I am residing in the above said address with my family. Only during weekend prayers are conducted in the ground floor of my house with my family member that too without any disturbance to anybody. When the writ petition was listed on 30.08.2018, it was mentioned by the respondent as if speakers were used during the prayer time.

4.I respectfully submit that by this affidavit I swear and state that I am not used any speaker or microphone in my premises nor I will use the same in future. By this affidavit, I hereby undertake that the speakers or microphone will not be used at any time in future."

6.In view of the undertaking given by the petitioner, the respondent is directed to issue water connection to the petitioner premises, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that in the event of petitioner violates any of the undertaking given before

this Court, it is always open for the respondent to take necessary action for disconnecting water connection.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

jbm

To

The Executive Officer,
Narasimma Naicken Palayam Panchayat,
Narasimman Naicken Palayam P.O.,
Coimbatore.

+1cc to Mr.V.Karthikeyan, Advocate SR.No.60981

W.P.No.24291 of 2014

RMP (27/09/2018)



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