

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2018

CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.9738 of 2014
and
M.P.No.1 of 2014

V.Chinnasamy

... Petitioner

Vs

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Sub Collector,
Pollachi,
Coimbatore District.

3.Panchayat President,
KampalaPatti Panchayat,
Anaimalai Panchayat Union,
Pollachi Taluk,
Coimbatore District.

4.P.Thangavel

5.P.Muthusamy

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records in Na.Ka.No.1/2014 dated 07.03.2014 on the file of the 3rd respondent, and quash the same.

For Petitioner : Mr.V.Ravi

For Respondents : Ms.Ramya Revathy
for R1 and R2
: Mr.C.Veera Raghavan,
for R3

O R D E R

The writ petition has been filed challenging the order passed by the third respondent Panchayat granting permission to the fourth respondent to get water connection through a lane situated in Survey No.494/13 Kampalappatti Village, Anaimalai

Panchayat Union, Pollachi Taluk, Coimbatore District.

2. The case of the petitioner, in brief, is as follows :-

The petitioner is the owner of the property in S.No.494/13. He has purchased the property through a registered sale deed in document No.2291/2008 dated 09.07.2008. While executing the sale deed, the survey number has been wrongly mentioned as 494/14. Subsequently, by way of a rectification deed, the survey number has been corrected as 494/13. Now, the 4th respondent herein applied to the 3rd respondent for getting a water supply service connection through the said survey number. It was opposed by the petitioner on the ground that he is the owner of the property and the water service connection should not be given through the petitioner's patta land. The third respondent passed the impugned order stating that there is no material to establish that the petitioner is the owner of the property in Survey No.494/13 and the above survey number belongs to the Panchayat and permitted the fourth respondent to get a water service connection through Survey No.494/13. Challenging the same, the present writ petition has been filed.

3. Mr. V.Ravi, learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in Survey No.494/13 and while executing the sale deed, the Survey number has been mistakenly mentioned as 494/14. Subsequently, it was also rectified. By virtue of the above sale deed, the petitioner is the owner of the property, which is in dispute and the pipe line should not be drawn through his land. But the third respondent Panchayat, without considering the petitioner's ownership, has passed the impugned order permitted the petitioner to draw the pipeline .

4. Mrs.Ramya Revathy, Government Advocate, appearing for the respondents 1 and 2 submitted that the Survey No.494/13 is only a lane, which belongs to the third respondent Panchayat and the petitioner cannot claim any right over the property. Even as per the original sale deed, he has purchased only Survey No.494/14. But subsequently, with a deliberate intention, he has changed the survey number only in order to prevent the authority from giving water service connection to the fourth respondent.

5. Mr.Veera Raghavan, learned counsel appearing for the third respondent also submitted that the Survey No.494/13 belongs to the Village Panchayat and the petitioner cannot claim any right over the same and the third respondent Panchayat has every right to give water service connection in the property, which belongs to them.

6. I have considered the rival submissions and perused the materials available on record.

7. Now, the main dispute is relating to the ownership of the property in survey No.494/13. According to the petitioner, he is the owner of the property, whereas, the Panchayat claims that the property, which is a lane used by the public, belongs to the Panchayat. Except the sale deed, the petitioner did not produce any other materials to establish that the survey No.494/13 belongs to him. Now the third respondent, after verifying all the revenue records, claims that the property belongs to the third respondent Village Panchayat.

8. In view of the dispute over the title, unless the title over the property is declared by a competent Civil Court, the petitioner cannot claim any right over the property as of now and the petitioner cannot prevent the third respondent Panchayat to give water service connection to the fourth respondent. In the said circumstances, I find no irregularity in the order passed by the third respondent.

9. Hence, this Writ Petition is dismissed. However, it is always open to the petitioner to approach the Civil Court and establish his title over the property, thereafter, it is open to him to approach the concerned authorities for removal of the pipeline.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Sub Collector,
Pollachi,
Coimbatore District.

+1cc to Mr.C.Veeraraghavan, Advocate, S.R.No. 66385
+1cc to Mr.V.Ravi, Advocate, S.R.No.66763
+1cc to the Government Pleader, S.R.No.67046

W.P.No.9738 of 2014

MG (CO)

rrs 25/09/2018