

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.08.2018

Coram

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18398 of 2009
and M.P.No.1 of 2010

Uma

... Petitioner

vs

1. The Executive Officer,
Vadalur Town panchayat,
Vadalur, Cuddalore Taluk,
Cuddalore District.

2. Murali

3. Minor Ananda Balaji

4. Minor Sandhya

Minors are represented by their next
friend and mother Dhanalakshmi, W/o Murali
(R2 to R4- Impleaded as per order
of this Court dated 13.12.2012 vide
M.P.No.1 of 2011 in W.P.No.18398 of 2009)

.... Respondents

Prayer : This Writ Petition has been filed under Article 226
of the Constitution of India, praying to issue a writ of
Mandamus directing the respondent to effect water connection for
the residence of the petitioner bearing Door No.5, Naidu Street,
Kottakarai, Vadalur, Cuddalore Taluk, Cuddalore District.

For petitioner : Ms.Graha Lakshmi for
Mr.R. Gururaj

For Respondents : Mr.N. Subbarayalu (for R1)
Mr.R. Sunil Kumar (R2 to R4)

O R D E R

The relief sought for in this writ petition is to direct the
respondent to effect water connection for the residence of the
petitioner bearing Door No.5, Naidu Street, Kottakarai, Vadalur,
Cuddalore Taluk, Cuddalore District.

2. It is the case of the petitioner that the petitioner is residing in the above address and the house tax and electricity service connection for the property stand in name of her father MuthuKrishnan. The petitioner is paying the electricity bills and her brother is paying house-tax. The petitioner has been provided with Ration Card, Voter Identity card in the above said address.

3. The learned counsel for the petitioner would submit that the petitioner is suffering without water connection and she is living along with her aged mother, therefore, she wants water connection for her house and she is prepared to bear the expenditure and pay the charges.

4. The learned counsel for the petitioner would further submit that the petitioner has made a representation dated 06.08.2009 to the respondent for water connection, to which, the respondent sent a reply dated 10.08.2009, expressing the willingness to effect connection if pipelines are available and on producing house tax receipts. She would further submit that the pipelines are available but she is not in a position to produce the house tax receipt, in view of enmity between herself and her brother. However, there is other authentic evidences to show her residence and she prepared to apply on proper form. When she approached the first respondent, he orally stated that he will provide water connection if there is an order from the Court. Hence, the petitioner is before this Court. The learned counsel for the petitioner would also contend that water is very essential and no prejudice is caused to anyone, since the petitioner will be paying water charges.

5. The learned counsel for the first respondent would submit that the petitioner has filed an original suit for partition and the same was dismissed. and against which, she preferred an appeal suit before this Court in A.S.No.733 of 2006 which is pending before this Court.

6. From the perusal of the order of the first respondent, it could be seen that if the petitioner produces the relevant evidence regarding the ownership, they are ready to give water connection in accordance with law. But the petitioner has not produced any evidence regarding the ownership of the property, viz., house tax receipt, however, she has produced the ration card, voter Identity card and Electricity Bill standing in the name of her father.

Hence, the petitioner can approach the respondents with the relevant documents as per the procedures of the said Town Panchayat.

7. In view of the above, this Writ petition is dismissed. However, the petitioner is at liberty to approach the authorities concerned, with the relevant documents, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vum/bkn

To

The Executive Officer,
Town panchayat,
Vadalur, Cuddalore Taluk,
Cuddalore District.

+1cc to Mr.R.Sunilkumar, Advocate, S.R.No.52562

+1cc to Mr.R.Gururaj, Advocate, S.R.No.52120

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and M.P.No.1 of 2010

GSP(06/02/2019)

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