

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.29904 of 2013

P.K.Ameetha

...Petitioner

Vs.

The Commissioner,
Tiruppur Corporation,
Tiruppur.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to provide drinking water supply to the petitioner school functioning at Door No.181, Jai Nagar 1st Street, Rakkiyapalayam Pirivu, Kangayam Road, Tiruppur - 641 606.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.S.Silambanan,
Senior Counsel for
Mrs.P.Shanthi, Standing counsel

O R D E R

The petitioner has come forward with the present writ petition seeking for issuance of a writ of mandamus, directing the respondent to provide drinking water supply to the petitioner's school, functioning at Door No.181, Jai Nagar 1st Street, Rakkiyapalayam Pirivu, Kangayam Road, Tiruppur.

2. Heard Mr.N.Manokaran, learned counsel for the petitioner, Mr.S.Silambanan, learned Senior counsel appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that her vendor Mrs.Vasanthakumari, purchased 50 cents of land in S.No.181 of Nallur Village, Tiruppur Taluk, Coimbatore District, from the promoter of the lay out namely Mr.Sundaram Ponnusamy. The promoter gifted the road portion to the local Panchayat, by a gift deed, dated 03.05.1995. The

petitioner purchased 39 cents out of 50 cents from Mrs.Vasanthakumari, through a registered sale deed, dated 26.7.2007 and she was also put in possession of the property.

4. The petitioner would further state that since the Panchayat claimed right over the property, a Suit in O.S.No.106/2004 was filed for injunction. After contesting, the Suit was decreed on 29.3.2017 and the Judgment and decree was confirmed by the Appellate Court in A.S.No.42 of 2008, dated 26.7.2012. The petitioner would further state that she purchased another 11 cents through a sale deed, dated 20.7.2016. The petitioner is running a school, therein since 2008 with an approval from the Authorities.

5. The learned counsel for the petitioner submitted that since the Electricity Board did not provide service connection, a writ petition in W.P.No.25808 of 2008 was filed and based on the order dated 06.11.2008, electricity connection was provided to the petitioner's school. The respondent refused to provide water supply, hence, the present writ petition has been filed.

6. The learned counsel for the petitioner further submitted that in 2009 the School has got approval from the Competent Authority, the Fire and Rescue Department has issued "No Objection Certificate" and the Health Department also issued Sanitation certificate. It is further submitted that the respondent has already provided water connection to the petitioner's School, in view of the order passed in W.P.No.29904 of 2013, dated 20.12.2013.

7. The learned Senior Counsel appearing for the respondent submitted that the respondent-Corporation can provide water supply to the building approved by the Competent Authority. Admittedly, the building in which the petitioner runs the School is not approved by the Town and Country Planning and if the petitioner is able to produce building plan approval, the respondent has no hesitation in providing water supply to the petitioner.

8. In reply, the learned counsel for the petitioner submitted that the petitioner had already obtained all the required certificates except Patta and due to non availability of Patta, approval application could not be submitted through online. The petitioner undertakes to obtain planning permission within a period of six months.

9. In the light of the above submissions made by the learned counsels on either side, this Court without going into the merits of the case, directs the petitioner to submit an application to the authority concerned seeking planning

permission within a period of three months and produce the order of approval to the respondent within a period of six months, failing which the respondent shall take further action in accordance with law. Till such time, the respondent shall continue to provide water supply to the petitioner subject to payment of necessary charges by the petitioner.

10. With the above direction this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

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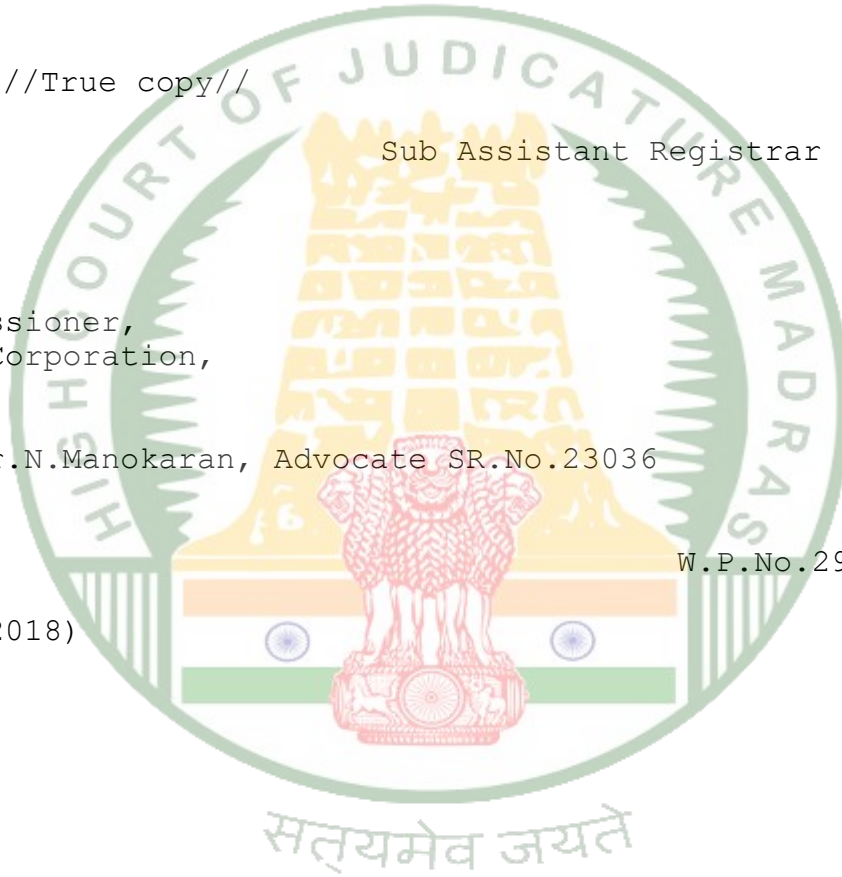
To

The Commissioner,
Tiruppur Corporation,
Tiruppur.

+1cc to Mr.N.Manokaran, Advocate SR.No.23036

W.P.No.29904 of 2013

AD(CO)
GN(18/04/2018)



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