



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.7893 of 2018

Thangavelu

... Petitioner

vs.

1. The Commissioner,
Trichy City Corporation,
Tiruchirappalli.

2. The Assistant Commissioner,
Trichy City Corporation,
Srirangam.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents to reconnect the water connection of the petitioner's house situated at T.S.No.122, Block No.39, Ward No.A, Chinna Kadaiveethi, Trichy.

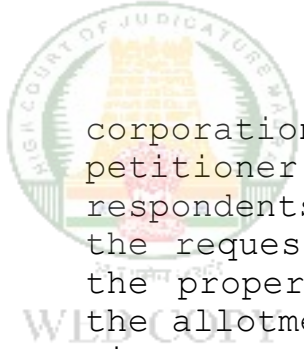
For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.N.S.Karthikeyan

ORDER

This Writ Petition is filed to issue a Writ of Mandamus to direct the respondent to reconnect the water connection of the petitioner's house situated at T.S.No.122, Block No.39, Ward No.A, Chinna Kadaiveethi, Trichy.

2.The case of the petitioner is that the property, namely, the house in Chinna Kadaiveethi, Trichy, in T.S.No.122 belonged to the petitioner's father and that there was an oral partition among the petitioner and his brothers on 30.10.1998. After the partition, it is stated that the petitioner has made an application for separate assessment of property tax on the basis of the allotment of the portion of the house in favour of individual share holders. Since the petitioner has filed a suit against his brother in O.S.No.963 of 2008 on the basis of the portion allotted to the petitioner, the petitioner appears to have approached the respondent



corporation to give separate assessment for the property of the petitioner. After making several representations to the respondents, it is stated that the respondents have not considered the request of the petitioner for making individual assessment of the property in respect of each portion of the property, as per the allotment in favour of the individual sharers. It is, in these circumstances, the petitioner further states that the respondents disconnected the water connection for the petitioner's house. Despite a representation to the District Collector and a direction to the respondents to reconnect the water connection, the petitioner further states that the respondents have not restored the water connection, that was disconnected from the petitioner's house.

3.The learned Counsel for the respondents, however, states that the house was assessed as a single building and that therefore, the residential building is entitled only for single water connection. Since assessment regarding the property tax was in respect of the whole building, there can be only one water connection. The learned Counsel for the respondents further states that the individual sharer had applied for individual water connection promising to pay property tax as per the allotment made in favour of individuals in the oral partition. It was only on the basis of the individuals request to give separate connection, different connections were given earlier.

4.Since the property was not actually divided and building remains as a single unit, the learned Counsel for the respondents states that the connections subsequently given were disconnected. It was further represented that the respondents cannot give multiple water connections in respect of single building.

5.The submission of the learned Counsel for the respondents has no merit. When there is a partition among the co-sharers and each individuals is allotted with a specific portion, which is acknowledged by others, the respondents can treat that portion allotted to the individual as a separate unit and property tax can be assessed on the basis of such allotment. After partition, it may not be convenient for the individual sharers to take water from the common water connection. It is only in that context, the respondents haven given different water connection, which is therefore permissible and that individual water connection to individual co-owners is therefore feasible. It is, in these circumstances, this Court is inclined to pass the following direction:

"The respondents are directed to consider the representation of the petitioner dated 10.03.2018 through his advocate and take further action or pass appropriate orders on merits, after giving an opportunity to the petitioner within a period of six weeks from



the date of receipt of a copy of this order. It is open to respondents to make independent assessments as per the allotment in favour of individual members."

6. With the above direction, this Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Trichy City Corporation,
Tiruchirappalli.
2. The Assistant Commissioner,
Trichy City Corporation,
Srirangam.

+ 1 cc TO Mr.S.Muthukrishnan , Advocate in SR No. 68788

cmr

AE/SV MMS/SAR1/28.06.2018/3P/4C

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