

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.32026 of 2018
and W.M.P.No.37284 of 2018

A.Sivakumar

...Petitioner

Vs

1.The Executive Officer,
Avinashi Special Grade Town Panchayat,
Tiruppur District.

2.A.Venkatachalamurthy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus to call for the records of the 1st respondent made in proceedings in Na.Ka.No.1098/2018/A dated 07.09.2018 and quash the same and consequently direct the 1st respondent to provide drinking water connection to the Petitioner's residence at Door Nos.16/215 A1,16/215 A2, 16/215 A3 situated at Muthuchettipalyam East, Avinashi, Tiruppur District respectively within the stipulated time.

For petitioner : Mr.N.Umapathi

For Respondents : No appearance for R1

: Mr.Ajith

for Sarvabhauman Associates for R2

ORDER

The case of the petitioner is that, he sought for drinking water service connection by his application dated 20.07.2019 in Survey No.181/1A1. Similarly, the second respondent has also made an application for drinking water service connection in Survey No.180, Avinashi village, Tiruppur District. There is civil suit pending against the petitioner filed by the 2nd respondent claiming share in the property, which is in possession of the petitioner. Due to pendency of this suit, the work order given by the 1st respondent to lay down water pipe

line has been stopped through the impugned order dated 07.09.2018. Hence, the present writ petition is filed.

2. The perusal of the impugned order reveals that due to the pendency of the civil suit between the petitioner and the 2nd respondent, the 1st respondent has ordered not to provide water service connection to the petitioner as well as the 2nd respondent unless both the parties given indemnity bond and undertake to abide by the judgment of the Court in the suit preferred by them. Since the 2nd respondent has not come forward to give undertaking, the petitioner herein suffers the impugned order and not able to get water service connection.

3. The learned counsel for the 2nd respondent seeks time to file counter.

4. Being an essential requirement, the 1st respondent herein shall get necessary indemnity bond from the petitioner herein, with an undertaking that, he will abide by the verdict of the civil Court and ready to remove the water pipe line at any time if ordered by the civil Court. On execution of such indemnity bond, the 1st respondent shall provide water service connection to the petitioner herein.

5. If the 2nd respondent wants to get water supply, he can also execute a similar indemnity bond. On receipt of such application with indemnity bond, the 1st respondent shall consider the request of the 2nd respondent also for providing water supply connection.

6. With the above directions, this Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

rpl
To

The Executive Officer,
Avinashi Special Grade Town Panchayat, Tiruppur District.
+lcc to Mr. Sarvabhauman Associates, Advocate SR.No.65321
Writ Petition No.32026 of 2018
and W.M.P.No.37284 of 2018
A.SK(31/07/2019)