



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4258 of 2019

P.Selvaraj

... Petitioner

Vs

1.The Commissioner,
Vickramasingapuram Municipality,
Vickramasingapuram-627425,
Tirunelveli District.

2.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

R2 is suo motu impleaded as
party respondent vide Court order
dated 15.04.2019

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to give drinking water connection to the petitioner's house in door No.28A/2, Ganthinagar Main Street, Iruthayakulam, Vickramasingapuram by considering the representation sent by the petitioner along with the petitioner's neighbours dated 20.09.2018 within a reasonable time that may be stipulated by this Court.

For Petitioner : Mr.K.Neelamegam

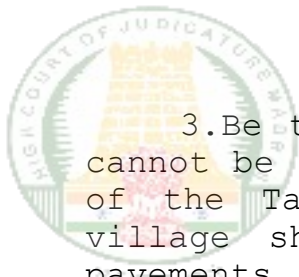
For R1 : Mr.H.Arumugam

For R2 : Mr.M.Karuppasamy,
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks Drinking Water connection to the petition mentioned house. It appears that one endowment had raised objections. The learned counsel for the petitioner however states that the suit filed by the endowment has been dismissed.



3. Be that as it may, taking a pipe line through a public road cannot be objected to anybody. This is because, as per Section 125 of the Tamilnadu Panchayat Act, 1994, all public roads in any village shall vest in the Village Panchayat together with all pavements, stones, and other materials thereof. Section 125(a) of the said Act reads as under:

"125. Vesting of public roads in Village Panchayat.-

(a) All public roads in any village (other than roads which are classified by the Government as National Highways or State Highways or as Major District roads or as Panchayat Union roads) shall vest in the Village Panchayat together with all pavements, stones, and other materials thereof, all works, materials and other things provided therefore, all drains, drainage works, tunnels and culverts whether made at the cost of the Village Panchayat or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto."

4. The expression "public road" has been defined in Section 2 (28) of the Act as follows:

"(28) "public road" means any street, road, square, court, alley, passage, carttrack, foot-path or riding-path over which the public have a right of way, whether a thoroughfare or not, and includes-

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such road, public bridge or causeway; and

(c) the drains attached to any such road, public bridge or causeway, and the land whether covered or not by any pavement, veranda, or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property, whether that property is private property or property belonging to the State or Central Government;"

5. The learned counsel for the Municipality submitted that they have already written to the second respondent/ Tahsildar, asking him to demarcate the land in Survey No.391.

6. The second respondent is directed to comply with the request of the first respondent Municipality, within a period of six weeks from the date of receipt of a copy of this order. If the first respondent has no legal impediment, subject to eligibility and seniority and other administrative formalities, the first respondent is directed to give drinking water connection to the petition mentioned house.



7. Accordingly, this writ petition is allowed on these terms.
No costs.

Sd/-
Assistant Registrar (Writs)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar (CS)

To

1. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

2. The Commissioner,
Vickramasingapuram Municipality,
Vickramasingapuram-627425,
Tirunelveli District.

+1 CC to M/s.K.NEELAMEGAM, Advocate (SR-61144[F] dated 16/04/2019)

+1 CC to M/s.SPL GP (SR-61230[F] dated 16/04/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-61484[F] dated 22/04/2019)

W.P. (MD) No. 4258 of 2019
15.04.2019

CS (KM) /10/05/2019/3P/6C