



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2019

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No.5907 of 2019

and

W.M.P. (MD) No.4735 of 2019

- 1.B.Ilavazhagan
- 2.Venkatachalam
- 3.Murugan
- 4.Raju
- 5.Thilagavathi
- 6.Elilarasi
- 7.Parthiban
- 8.Latha
- 9.Kasthuri
- 10.Nagarathinam
- 11.Muthulakshmi
- 12.Saroja
- 13.Amirthanantham
- 14.Murugesan
- 15.Vijayaragavan
- 16.Subramanian
- 17.Marimuthu
- 18.Selvi
- 19.Varatharajan @ Pandi
- 20.Karuppasamy
- 21.Gopal
- 22.Kasthuri
- 23.Ayyanoo Pillai
- 24.Ravi
- 25.Ganeshan
- 26.Kasthuri
- 27.Mageswari
- 28.Gokila
- 29.Tamilarasi
- 30.Subramanian
- 31.Selvarajan
- 32.Punitha
- 33.Soundarajan
- 34.Poovalingam
- 35.Shanmugarajan
- 36.Ramya
- 37.Vasuki
- 38.Angayar Kanni
- 39.Manimala
- 40.Jeyasudha
- 41.Baskar



42. Jamuna  
43. Murugan  
44. Dharani  
45. Thangamuthu

... Petitioners

Vs.

1. The Commissioner,  
The Corporation of Madurai,  
Madurai City.  
2. The Assistant Commissioner,  
4<sup>th</sup> Zone,  
The Corporation of Madurai,  
Madurai City.  
3. Madurai Manager Maninagaram,  
Senaithalaivar Uravinmurai Sangam,  
Rep. through its President,  
V. Mariappan,  
Door No. 63, 64,  
Thiru V.K. Salai,  
Maninagaram,  
Madurai-625 001.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus by directing the respondents No.1&2 to provide water service connected to the petitioners respective houses by considering their representation dated 25.09.2018 and 22.11.2018 and consequentially forbear the third respondent or his men in any way preventing the petitioners from using the public roads form part of Senaiyar Colony at Raja Mill Road, Madurai City.

For Petitioners

: Mr. R. Gandhi

For R1 & R2

: Mr. R. Murali

For R3

: No appearance

### ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Standing Counsel appearing for R1 and R2. Though the third respondent has been served and his name is printed in the cause list, there is no representation on his behalf.

2. The petitioners are residents of Senaiyar Colony, Raja Mill Road, Madurai. They want water service connection to be provided to their respective house.

3. I am of the view that this request cannot be objected to. However, the petitioner will have to make individual applications to the Corporation. As and when such applications are received, the Corporation is directed to provide the same.



4.The learned Standing Counsel appearing for the respondents submits that the only impediment faced by the Corporation is that the third respondent may resist the endeavour of the Corporation when laying the pipelines. It is seen that the third respondent is the promoter of the layout. The path through which the pipelines have to be laid were shown as roads in the layout of the third respondent. After doing so, the third respondent cannot now claim any title over the same. The petitioners are only demanding that the pipelines to be laid on what has been shown as roads, when the third respondents executed the sale deed.

5.The issue on hand is *no longer res integra*.

6.Vide order dated 18.04.2013 in W.P.(MD)No.597 of 2010, it was held that when the plots were sold by showing a particular pathway as a public road, the purchasers are entitled to use the said road portion as public pathway and it would not be open to the layout promoter to later make any claim thereon.

7.With this direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

TO

+45cc to Mr.R.GANDHI, Advocate, SR.No. 56519  
+1cc to Mr.R.MURALI, Advocate, SR.No. 56505

W.P. (MD)No.5907 of 2019  
and  
W.M.P. (MD)No.4735 of 2019

RMI

KK/SAR/08.04.2019/ 3P- 47C