



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD)Nos.14155 to 14160 of 2015

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W.P(MD) Nos.14155 of 2015 to 14160/2015

Vaithiyalinga Nadar	... Petitioner in WP(MD)No.14155/2015
Poomani	... Petitioner in WP(MD)No.14156/2015
Raman	... Petitioner in WP(MD)No.14157/2015
Ramakrishnan	... Petitioner in WP(MD)No.14158/2015
Ramarathinasamy	... Petitioner in WP(MD)No.14159/2015
Ganeshram	... Petitioner in WP(MD)No.14160/2015

-Vs-

- 1.The District Collector,
Tirunelveli Collectorate Building,
Tirunelveli District.
 - 2.The District Revenue Divisional Officer,
Tirunelveli District.
 - 3.The Block Development Officer,
Village Panchayath,
Keelapavur Panchayath Union,
Pavoorchatram, Tirunelveli District.
 - 4.The Tashildar,
Thenkasi Taluk,
Tirunelveli District.
 - 5.The President,
Tippanampatti Panchayath,
Keelapavur Union,
Thenkasi Taluk, Tirunelveli District.
- ... Respondents in all the petitions

PRAYER IN ALL WP'S: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents 1 to 4 to conduct enquiry and to take appropriate action against the 5th respondent for damaging the water pipe line connections, alter and removal of the existing pipe line connection illegally by consider the representation of the petitioner's dated 03.06.2015.



(In all WP's)

For Petitioner : Mr.S.A.Ajmalkhan

For R-1 to R-4 : Mr.A.K.Baskara Pandian
Special Government Pleader

For R-5 : Mr.M.Rajarajan

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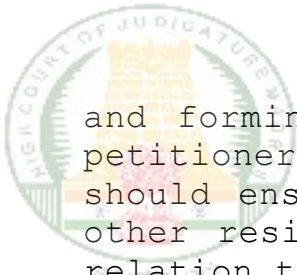
COMMON ORDER

These writ petitions have been filed for issuance of writ of mandamus directing the respondents 1 to 4 to conduct enquiry and to take appropriate action against 5th respondent for damaging the water pipe line connections, alteration and removal of the existing pipe line connection illegally, by considering the representation, dated 03.06.2015.

2.In the representation dated 03.06.2015 the petitioners have made serious allegations against the fifth respondent that he illegally demanded a sum of Rs.5000/- per head for giving drinking water connection. In the representation, the petitioners have only expressed their grievance and inability to pay the exorbitant amount for getting water connections from the Panchayat line. Nowhere in the representation, the petitioners have stated that the fifth respondent has damaged the pipeline or existing arrangement for supply of drinking water. It is also in the representation, the petitioners have only requested the official respondents to pass appropriate order so that the water pipeline or drinking water system will not be tampered or damaged by the President of the Society. As per Article 243G of the Constitution of India every local body is expected to provide basic amenities and facilities to the public for the residents of the local body and drinking water is also one of the facilities required by the local body to provide. In term of 243H of our constitution, the Panchayat Act authorise the panchayat to levy and collect such charges following procedure.

3.In the said circumstances, the petitioners' grievance appears to be genuine and it has to be redressed. However, the petitioners allegation against the fifth respondent cannot be considered now, as the President is not in the Office.

4.This Court having regard to the facts and circumstances of the case, is inclined to direct the District Collector to pass suitable instructions to the third respondent Block Development Officer to take appropriate action for providing drinking water connection to the petitioners by collecting reasonable charges as may be required and permissible in law. Except for the reasons where substantial amount has to be sanctioned for taking new lines



and forming any independent supply line to the petitioners, the petitioners' request cannot be rejected and the third respondent should ensure that the petitioners enjoy the same benefit as any other resident is enjoying in the concerned village Panchayat in relation to drinking water connection.

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6. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

cp

To

1. The District Collector,
Tirunelveli Collectorate Building,
Tirunelveli District.
2. The District Revenue Divisional Officer,
Tirunelveli District.
3. The Block Development Officer,
Village Panchayath,
Keelapavur Panchayath Union,
Pavoorchatram, Tirunelveli District.
4. The Tashildar,
Thenkasi Taluk,
Tirunelveli District.

+1 cc to The Special Government Pleader Sr.No.103814

W.P. (MD) Nos.14155 to 14160 of 2015

05.12.2019

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