

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5900 of 2020

R.Balasubramani

..Petitioner

.v.

1.The District Collector,
Ootacamund.

2.The Commissioner,
Coonoor Municipality,
Ward No.6, Coonoor,
Nilgiris District.

3.N.Sathi,
S/o.Narayanasamy,
No.83, Main Alwarpet,
Coonoor-643101,
Nilgiris-641035.

.... Respondents

[Suo moto impleaded as R 3 by this Court
dated 16.03.2020]

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to effect New Water Service connection to the petitioner's house property bearing Door No.83, Alwarpet, Coonoor, vide: receipt dated 3rd February 2020.

For Petitioner : Mr.AR.MA.Arunachalam
For R 1 : Mr.E.Balamurugan
For R 2 : Mr.Srinivasan
For R 3 : Mr.A.Saravanan

O R D E R

This writ petition has been filed for the issue of a writ of mandamus, directing the 2nd respondent to provide new water connection to the house of the petitioner.

2.The case of the petitioner is that one Sakthi had availed a loan from the Indian Bank and there was a default in repayment of the loan resulting in the loan being declared as NPA. Proceedings were initiated under the SARFAESI Act and ultimately, the property was brought for sale and the petitioner was the highest bidder. A sale deed was also came to be registered in favour of the petitioner by the Indian Bank by a registered sale deed dated, 21.08.2017. Thereafter, the Patta to the property has also been mutated in favour of the petitioner.

3.The grievance of the petitioner is that the petitioner had applied for a new water service connection and the same was objected by the erstwhile owner. Therefore, the 2nd respondent has not given water connection for the property. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.MA.Arunachalam, learned counsel appearing on behalf of the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing for R 1 and Mr. Srinivasan, learned counsel appearing for R 2 and Mr.A.Saravanan, learned counsel appearing on behalf of the 3rd respondent.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the application given by the petitioner and effect a water service connection to the property, within a period of 10 days from the date of receipt of copy of this order. It is made clear that this water service connection will not have any bearing on the right of the original owner of the property, who is already in the process of challenging the auction conducted and the sale made in favour of the petitioner.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

KP

To

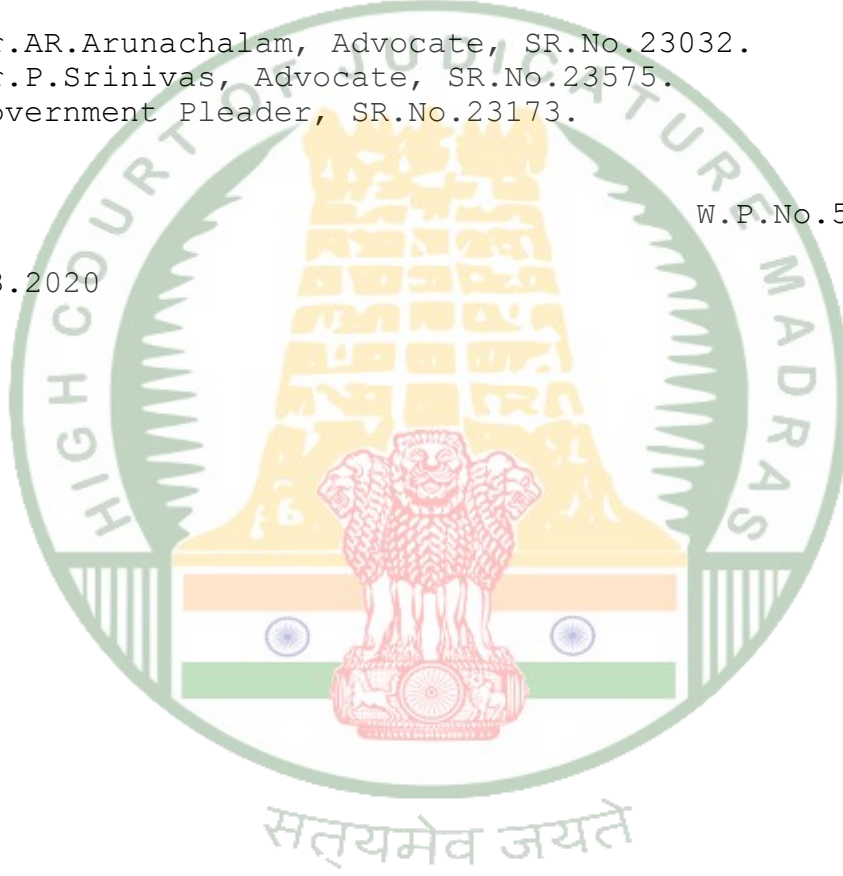
1.The District Collector,
Ootacamund.

2.The Commissioner,
Coonoor Municipality,
Ward No.6, Coonoor,
Nilgiris District.

+1cc to Mr.AR.Arunachalam, Advocate, SR.No.23032.
+1cc to Mr.P.Srinivas, Advocate, SR.No.23575.
+1cc to Government Pleader, SR.No.23173.

W.P.No.5900 of 2020

SJ(CO)
CSR: 20.03.2020



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