



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8853 of 2020

T.Jayakumar

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Block Development Officer,
Perumandi Village Panchayat Union,
Perumandi, Karaikal Road,
Kumbakonam,
Thanjavur District.

3. The Panchayat Secretary,
Perumandi Village Panchayat,
Perumandi, Kumbakonam Taluk,
Thanjavur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 2 and 3 herein to restore the drinking water connection to the petitioner's house situated at Door No.3, K.S.M.Nagar, Perumandi Village, Kumbakonam Taluk, Thanjavur District, based on the petitioner's representation dated 09.06.2020.

For Petitioner	: Mr.G.Gomathi Sankar
For R-1	: Mr.M.Rajarajan, Additional Government Pleader.
For R-2	: M/s.V.P.M.Vaishnavi, Government Advocate.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate appearing for respondents 2 and 3.

2.The petitioner seeks restoration of drinking water connection to the petition mentioned house belonging to him.

3.The respondents opposed the said request. Respondents 2 and 3 have also filed a detailed counter affidavit. The learned Government Advocate reiterated all the contentions set out therein



and called for dismissal of the writ petition.

4. I carefully considered the rival contentions and went through the materials on record.

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5. It is not in dispute that the petitioner was originally enjoying drinking water connection in the petition mentioned house. It is not in dispute that the same was disconnected. There is controversy as to when it was disconnected.

6. The learned Government Advocate appearing for respondents 2 and 3 points out that the disconnection was made way back in June 2018. She would also state that the petitioner is falsely claiming that the disconnection was made only in January 2020.

7. I am of the view that the date of the disconnection is not relevant and what is relevant has not been placed before this Court. I wanted to know if there is any material indicating compliance of the principles of natural justice in this regard. The respondents are unable to show that the petitioner was given notice before the same was disconnected. Therefore, I am of the view that the respondents are bound to restore the drinking water connection.

8. This writ petition stands allowed. However, liberty is given to respondents 2 and 3 to take action as per law, if it is really warranted. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1. The District Collector,
Thanjavur District,
Thanjavur.

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Thanjavur District.

3. The Panchayat Secretary,
Perumandi Village Panchayat,
Perumandi, Kumbakonam Taluk,
Thanjavur District.

+1 CC to M/s.GP (SR-16209[F] dated 08/09/2020)

+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-16150[F] dated
07/09/2020)

W.P. (MD) No. 8853 of 2020
07.09.2020

KK(18.09.2020) 3P 6C