



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.19003 of 2019

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T.Rathinam

... Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Trichy - 1,
Trichy District.

2.The Block Development Officer,
B.D.O. Office,
Panchayat Union,
Manachanallur,
Trichy District.

3.The Commissioner,
Panchayat Union,
Manachanallur,
Trichy District.

4.The Special Officer,
Theerampalayam Village Panchayat,
Theerampalayam,
Manachanallur Taluk,
Trichy District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the fourth respondent herein to restore the drinking water facility which was disconnected by them on 05.08.2019 without any valid reasons whatsoever, in the light of the representation dated 12.08.2019 within the stipulated time fixed by this Court.

For Petitioner	: Mr.R.Sundar
For RR 1 & 3	: Mr.P.Kannithevan, Additional Government Pleader.
For RR 2 & 4	: Mr.N.Shanmugaselvan, Standing Counsel.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the fourth respondent herein to restore the drinking water facility which was disconnected by them on 05.08.2019 without any valid reasons whatsoever, in the light of the



representation dated 12.08.2019 within the stipulated time fixed by this Court.

2. According to the petitioner, a drinking water pipe was installed by the fourth respondent in front of his house and till date, he is paying necessary tax without any arrears. The petitioner used to get the drinking water from the said water pipe alone, for the past seven years. While so, on 05.08.2019, the fourth respondent disconnected the said water pipe connection without any valid reasons. Hence, the petitioner submitted a representation dated 12.08.2019 to the respondents to restore the drinking water facility. Since no order has been passed on the said representation, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the respondent had disconnected the water pipe line at the vengeance of the clerk of the Panchayat. Therefore, he seeks for restoration of the said water pipe line.

4. The learned counsel appearing for the respondents 2 and 4 submitted that the second respondent had received a complaint from the public. Based on the said complaint, since the petitioner did not allow the public to take the drinking water in the above said place, the respondent shifted the drinking water pipe from the said place and the same installed within 10 feet from the original place.

5. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents 1 and 3 and the learned counsel appearing for the respondents 2 and 4.

6. Considering the submissions made by the learned counsel appearing on either side, this Court is of the view that if the respondent had received any complaint by any of the neighbours or any of the Villagers, the respondent shall consider the same along with the representation of the petitioner dated 12.08.2019, after affording an opportunity of hearing to the parties concerned and pass appropriate orders, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order,

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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.

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To

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KB(21.07.2020) 3P 5C