

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 2.3.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.Nos.3759, 3764, 3765, 3767 & 3770 of 2021
and
W.M.P.Nos.4287, 4290, 4293, 4298 & 4299 of 2021

Jayalakshmi Petitioner in W.P.3759/2021
Tharini Petitioner in W.P.3764/2021
Suthankumar Petitioner in W.P.3765/2021
Sekaran Petitioner in W.P.3767/2021
Thayumanavan Petitioner in W.P.3770/2021

vs.

1. The District Collector,
Salem.
 2. The Assistant Director
(Town Panchayat),
Collectorate, Salem.
 3. The Executive Officer,
Omalur Town Panchayat,
Omalur Town, Salem District.
- Respondents in all 5 cases

Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to restore the water connections of the petitioners in the water connection Nos.1687 & 3177, 3108, 3109, 1783 and 1685 & 1794 respectively in the previous water pipeline within the specific period of time fixed by this court.

For Petitioners : Mr.T.Ganesan

For Respondents : Mr.P.S.Sivashanmugasundaram,
1 to 3 Special Government Pleader in W.P.3759/2021
Mr.M.Elumalai,AGP in W.P.3764/2021
Mr.D.Venkatesan,AGP in W.P.3765/2021
Mr.P.D.Anbarasan,GA in W.P.3767/2021
Mr.R.Venkadesan,GA in W.P.3770/2021

COMMON ORDER

These writ petitions are filed for mandamus directing the third respondent to restore the water connections of the respective petitioners.

2. The case of the petitioners is that they had obtained water connections in the year 2000 and 2015 from the third respondent and when some digging work was carried out by the third respondent along their houses for the purpose of Sewage Canal using JCB machines, the pipelines of the water connections of the petitioners got damaged. The petitioners have made representation to the third respondent to restore the same. The third respondent, though assured to restore the water connection, it has not been restored so far and therefore, the petitioners have approached this court.

3. The learned Special Government Pleader Mr.P.S.Sivashanmugasundaram appearing for the Respondents produced the written instructions received by him from the third respondent and would submit that the water connections got damaged while laying Paver Block at Kamarajar Nagar. The third respondent has taken steps to restore the damaged pipelines, however, some of the neighbours, who do not have water connection, raised objections and created law and order problems, and therefore, the water service connections could not be effected immediately. The third respondent has also submitted a Report to the District Collector and on the instructions of the District Collector, the Tahsildar Omalur and the Inspector of Police Omalur have inspected the site and submitted a Report on 5.1.2021 to the District Collector. It appears that a Civil Suit has also been filed in this regard in O.S.No.38 of 2021 on the file of the District Munsif Court, Omalur.

4. This court paid its anxious consideration to the rival submissions made and also perused the materials available on record.

5. It is an admitted fact that these petitioners have water service connections from the year 2000 or 2015 onwards and such water connections have also got damaged while some repair work carried out for Sewage Canal or while laying a Paver Block by the third respondent. Of course, some people are objecting for restoration of water connection. When the petitioners have established their case that they had obtained the water service connections in the year 2000 itself and nothing has been pointed out to contend that such water service connections were obtained fraudulently or in violation of any law, the respondents are bound to restore the water connections of the petitioners. The only difficulty expressed by the third respondent is that they

are facing some objections from some quarters and apprehending law and order problem.

6. When the water connections of the petitioners had been in existence for more than a decade, merely for the sake of some objections, the petitioners cannot be deprived of the water service connections. If the respondents expect that there could be a law and order problem, they can make a request to the Omlalur Police Station and obtain police protection and restore the water service connections within a period of 2 weeks from the date of receipt of a copy of this order. The Inspector of Police, Omalur is also directed to provide adequate police protection to the third respondent to restore the water service connections.

The writ petitions are, accordingly, disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

ssk.
To

1. The District Collector,
Salem.
2. The Assistant Director
(Town Panchayat),
Collectorate, Salem.
3. The Executive Officer,
Omalur Town Panchayat,
Omalur Town, Salem District.

+3ccs to Mr.T.Ganesan , Advocate SR.No. 12933,12932,12929
+1 cc to Government Pleader Sr.No. 13182,13223,13233,13183,13157
W.P.Nos.3759, 3764, 3765,
3767 & 3770 of 2021

BP CO
A.SK(04.03.2021)