

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.05.2021

CORAM

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P.No.11721 of 2021
and WMP.No.12480 of 2021

Karnan

.. Petitioner

Vs

1.The District Collector cum
The District Election Officer
Tiruppur District.

2.The Revenue Divisional Officer cum
The Returning Officer
Udumalpet
Tiruppur District.

3.The Block Development Officer
Village Panchayat
Madathukulam Block
Madathukulam
Tiruppur District.

4.The Panchayat President
Thanthoni Village
Madathukulam Taluk
Tiruppur District.

.. Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 4th respondent from illegally disconnecting the drinking water connection in petitioner's property in Survey No.96/2C of Thanthoni Village, Tiruppur District and New Survey Nos.120/A1-114 and 120/A1-113 Vide patta Nos.149 & 134 of Thanthoni Village, Tiruppur District by considering the petitioner's representation dated 22.04.2021.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The prayer sought for herein is a Writ of Mandamus, to forbear the 4th respondent from illegally disconnecting the drinking water connection in petitioner's property in Survey No.96/2C, New Survey Nos.120/A1-114 and 120/A1-113 of Thanthoni Village, Tiruppur District by considering the petitioner's representation dated 22.04.2021.

2. The petitioner is the resident of Thanthoni Village, Madathukalam Taluk, Tiruppur District, and for his residential purpose, he has applied to the fourth respondent for water connection, and after collecting necessary charges, water connection was provided on 20.08.2014 and thereafter, the petitioner claimed to have been paying water tax every year to the fourth respondent-Village Panchayat.

3. While that being so, now it is the grievance of the petitioner that the fourth respondent, due to personal and political rivalry, has disconnected the water service connection already extended to the petitioner and therefore, in this regard, the petitioner has given a representation on 22.04.2021 to the respondents 1 to 3 herein viz., the District Collector, Revenue Divisional Officer, Block Development Officer, including the Deputy Superintendent of Police, to restore the water connection provided to him, and in this regard, to give a suitable direction to the fourth respondent not to indulge in any activities of disconnecting water supply connection being provided to the petitioner. Since those requests by way of representations have not been considered by the official respondents, the petitioner has filed this writ petition.

4. Heard the learned counsel for the petitioner, who now seek indulgence of this Court to give suitable directions to the official respondents, who in turn can give instructions to the fourth respondent not to act upon by involving in disconnecting the water service connection to the petitioner, without the authority of law.

5. Heard Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents, who would submit that, if at all the petitioner has got the water connection by paying necessary charges, certainly the fourth respondent-Village Panchayat would not have disconnected the water connection and in this regard, he would also inform the officials concerned about the order

passed by this Court. He also informed the Court that the third respondent-Block Development Officer would be advised suitably, to give instructions to the fourth respondent and to act upon in accordance with law, and in this regard, the representation given by the petitioner to the fourth respondent would be disposed of by the third respondent, within a stipulated period.

6. I have considered the rival submissions and also perused the materials placed before this Court.

7. The learned counsel for the petitioner has brought to the notice of the Court the fee receipt given by the fourth respondent-Village on 26.04.2018, where the Panchayat has received a sum of Rs.2,360/- towards water connection charges, and periodical water tax of Rs.360/- that has been paid on various dates such as on 24.09.2019 and even on other dates, and its corresponding receipts, have been filed in the typed set of papers.

8. A perusal of these documents would reveal that, the petitioner has got the water connection from the fourth respondent-Panchayat by properly paying the fee, and he is enjoying the water supply. While that being so or whatsoever may be, the fourth respondent abruptly disconnecting the water supply of the petitioner, which is an essential amenity, which cannot be entertained by this Court. Therefore, the representation given by the petitioner can be considered by the third respondent-Block Development Officer, who is authorised to give suitable direction to the fourth respondent, not to indulge in any unlawful activity without due process of law and without any valid reasons.

9. In that view of the matter, this Court is inclined to dispose of the writ petition, by giving a direction that there shall be a direction to the third respondent to consider the representation of the petitioner dated 22.04.2021, who in turn shall accordingly give suitable directions to the fourth respondent-Panchayat/President of the Thanthoni Village Panchayat, not to disconnect the water connection provided to the petitioner's residence at Thanthoni Village, without sanctity and basis of law. It is also made clear that since the petitioner has made out a prima facie case that he had made necessary payment to the fourth respondent-Panchayat, and that he has filed necessary fee receipts for the payments so made, for providing water connection and that periodical payments of water tax too have been paid by him, there shall be a direction to the fourth respondent-Village Panchayat, not to disconnect the water connection to the petitioner's premises, unless there is a direction in this regard issued by the third respondent-Block Development Officer, Madathukulam Block, Tiruppur

District.

10. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The District Collector cum
The District Election Officer
Tiruppur District.

2.The Revenue Divisional Officer cum
The Returning Officer
Udumalpet
Tiruppur District.

3.The Block Development Officer
Village Panchayat
Madathukulam Block
Madathukulam
Tiruppur District.

4.The Panchayat President
Thanthoni Village
Madathukulam Taluk
Tiruppur District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.27184

W.P.No.11721 of 2021

AK(CO)
CB(18/05/2021)

WEB COPY