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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P. No. 18308 of 2021 and
W.M.P.No. 19534 of 2021

G. Savithri

W/o G. Ganesan No:42-A, Plot No:4
Siddhi Vinayagar Kovil Street Periyakuppam
Thiruvallur - 602 001.

..Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Municipal Administration and Water Supplies Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner
Tiruvallur Municipality
Thiruvallur - 602 001.

3. N. Selvadurai
S/o.Natesan,
Plot No.5, Old No.42, New No.123,
Sithivinayagar Kovil Street,
Periyakuppam Village,
Thiruvallur.

..Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the 2nd respondent to consider the Service Request No:014/01/17=18/0020525 Dt:07.03.2018 and consequently accord water connection to the petitioner for her house located at No.42-A, Plot No.4, Sithivinayagar Kovil Street, Periyakuppam, Tiruvallur - 602 001.

For Petitioner : M/s.E.Manoharan
for Sasidharan

For Respondents : M/s.A. Selvendran
Government Advocate for R1
M/s.P. Srinivas
Standing counsel for R2



O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent to consider the request made by the petitioner on 07.03.2018, wherein, the petitioner is seeking for water connection to her house situated in the subject property.

2. When the matter was taken up for admission on 02.09.2021, this Court directed the learned standing counsel appearing on behalf of the 2nd respondent to take instructions and report before this Court. The learned Standing counsel submitted that the petitioner has filed a suit against the 3rd respondent seeking for permanent injunction and the same is pending on the file of the District Munsif Court, Thiruvallur. The learned counsel further submitted that there is no objection for the 2nd respondent to give the water connection to the petitioner and since there was resistance on the side of the 3rd respondent, the 2nd respondent did not go ahead and give the water connection. The learned counsel further submitted that the 3rd respondent had initially approached the Tahsildar seeking for a patta for the subject property and the same was rejected and subsequently the decision was also confirmed by the Revenue Divisional Officer. Therefore, the learned counsel concluded his arguments by submitting that the 2nd respondent shall comply with any direction issued by this Court.

3. The learned counsel for the petitioner submitted that till date, there is no restraint order on any Authority for providing the water connection to the petitioner. The learned counsel further submitted that the petitioner will not take advantage of the water connection being given to the petitioner, in the pending suit and the suit will be prosecuted on its own merits and in accordance with law.

4. Taking into consideration the facts and circumstances of the case and the stand taken by the 2nd respondent and the petitioner, there shall be a direction to the 2nd respondent to process the service request made by the petitioner on 07.03.2018 and provide water connection to the house belonging to the petitioner. This process shall be completed by the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order. It is made clear that such water connection given to the petitioner will not in any way confer a better right to the petitioner than the one which the petitioner already possess and the Civil Court shall decide the pending suit without being influenced by the order passed in this writ petition and deal with the case on its own merits and in accordance with law.



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6. This writ petition is disposed of with the above direction. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

RAP/RR

To

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Municipal Administration and Water Supplies Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner
Tiruvallur Municipality
Thiruvallur - 602 001.

+2CCs to M/s.Sasidharan, Advocate, SR.No. 46208
+1CC to The Government Pleader, SR.No. 46169

W.P.No. 18308 of 2021
and
W.M.P.No. 19534 of 2021

NRL(CO)
B.VC (01/10/2021)