

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 19882 of 2020

R.Kala

...Petitioner

Vs.

1.The District Collector,
Salem, Salem District. Salem.

2.The Assistant Director,
Panchayat, Salem,
Salem District.

3.The Executive Officer,
Omalur Selection Grade Town Panchayat,
Omalur Taluk, Salem District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the 3rd respondent to restore the water connection of the petitioner in connection NO.2922 permanently by considering the petitioner's representation dated 12.11.2020.

For Petitioner : Mr.M.Elango

For Respondents : Mr.M.Elumalai, AGP for R1& R2
Mr.S.N.Parthasarathy,
Government Advocate for R3

सत्यमेव जयते
O R D E R

This writ petition is filed for a mandamus directing the 3rd respondent to restore the water connection of the petitioner in connection No.2922 permanently by considering her representation dated 12.11.2020.

2. The case of the petitioner is that she is working as a Senior Revenue Inspector in District Supply and Consumer Protection Office, Salem and she is residing at Kottamettupatti Village, Omalur Taluk in S.No.78/3A. The land in the said survey number originally belongs to one Manickachetty and the predecessors of the said Manickachetty had allotted 6 cents of land to the petitioner's father about 50 years ago by way of

gift. Though the land was gifted to the petitioner's father, no deed was executed. The petitioner's father had put up a thatched house in the said land and thereafter, the petitioner had constructed a pucca concrete house and also paying the house tax, water tax etc., to the town panchayat. The 3rd respondent has also provided a water connection about 30 years back to the petitioner's house. During some repair works, the 3rd respondent has damaged the water line to the petitioner's house and it has not been restored. The Officials of the 3rd respondent has also claimed a sum of Rs.2,500/- for restoring the water service connection but the petitioner has refused to pay the same and she made a representation before the 1st respondent / District Collector but the same has been rejected. Though the petitioner had issued a legal notice on 24.11.2020, the 3rd respondent did not come forward to restore the water service connection and therefore, the petitioner filed this writ petition.

3. Heard Mr.M.Elumalai, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.S.N.Parthasarathy, learned Government Advocate appearing for the 3rd respondent / Town Panchayat.

4. The learned counsel for the 3rd respondent / Town Panchayat would submit that the petitioner is working as Revenue Inspector and she is in occupation of government poramboke land and has constructed house in the government poramboke land and has also encroched upon the property of one Manickamchetty, who died in the year 1995. He has also produced the death certificate of Manickachetty where, it is recorded that the said Manickamchetty died on 05.08.1985. When nobody was residing in the said property, taking advantage of the same, the petitioner has illegally obtained the water connection, which has been provided to Manickachetty and has also forged the documents for obtaining the water connection. When the said Manickachetty, the original owner of the property died in the year 1995, an application has been made by the petitioner in the name of Manickamchetty, by forging his signature in the year 2013 i.e., after his death and the water connection has been obtained by the petitioner in a fraudulent manner. On knowing that this water service connection has been effected in a fraudulent manner, the same has been disconnected by the 3rd respondent. The learned Additional Government Pleader appearing for the respondents 1 and 2 has also confirmed the same.

5. The learned counsel for the petitioner disputed the said submissions made on behalf of the respondents claimed that he is having all the documents to show that the property belongs to the petitioner and the water service connection has been effected in a proper manner. He sought some time for producing the relevant documents for her possession.

6. Though an opportunity has been provided to the petitioner to produce the document by order dated 11.01.2021, even today, the petitioner has not come forward with any document. Even in the affidavit filed by the petitioner, it is averred that the said property has been gifted to the petitioner's father 50 years back by the said Manickachetty without any deed. Manickachetty died in the year 1995 whereas an application was made in his name in the year 2013.

7. The petitioner is working as a Revenue Inspector appears to have occupied another persons property without any valid documents and also made an application in the name of a dead person and also filed this writ petition for a mandamus as against the respondents. Since the petitioner has approached this Court with unclean hands, this writ petition is dismissed with a cost of Rs.10,000/-.

8. Since the petitioner is also working as a Revenue Inspector, the first respondent / District Collector / Inspector of Panchayat is directed to conduct an enquiry with regard to this averments against the petitioner. If it is found that the petitioner has unauthorizedly occupied the Government poromboke land and has also occupied a dead person's land by taking advantage of her Official capacity, the first respondent shall take necessary action as per law.

9. With the above observations, this writ petition is dismissed with a cost of Rs.10,000/- to be payable to the Cancer Institute, Adyar.

Post this matter 'for compliance' on 25.03.2021.
Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kkn

To:

- 1.The District Collector,
Salem, Salem District. Salem.
- 2.The Assistant Director,
Panchayat, Salem,
Salem District.

WEB COPY

3.The Executive Officer,
Omalur Selection Grade Town Panchayat,
Omalur Taluk, Salem District.

4.The Director,
Cancer Institute,
Adayar.

+1 cc to Mr.S.N.Parthasarathi, Advocate, S.R.No.12357
+1 cc to Mr.M.Elango, Advocate, S.R.No.12486

W.P.No. 19882 of 2020

GSM(CO)
KKV/01/03/2021



WEB COPY