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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.1270 OF 2021

KannaKampalayam Arasu Uzhiyar-
Ooyvuthiyar Kudiyuruppor
Nala Sangam, Udumalaipettai
(Reg No.127/2017)
Rep by its President
4/204, Muthugopallayout,
Udumalaipettai - 642 126,
Tiruppur District.

...Petitioner

Vs

1. State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Chief Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director,
Directorate of Rural Development & Panchayat Raj,
Panagal Maligi Building, Saidapet,
Chennai - 600 015.
3. The District Collector / Inspector of Panchayats,
Tiruppur District Collectorate,
Tiruppur - 641 601.
4. The Personal Assistant (Development)
to The District Collector,
Tiruppur District Collectorate,
Tiruppur - 641 601.
5. The Assistant Director (Audit)
Tiruppur District Collectorate,
Tiruppur - 641 601.
6. The Assistant Director (Panchayats)
Tiruppur District Collectorate,
Tiruppur - 641 601.



7. The Block Development Officer (Village Panchayats)
BDO Office, Udumalaipettai,
Tiruppur District - 642 126.
8. The Executive Engineer (Rural Water Supply Division)
Tamil Nadu Water Supply and Drainage Board,
No.465, 2nd Floor, Bharathiyar Shopping Complex,
Avinashi Road, Tiruppur - 641 602.
9. The President / Special Officer,
Kannakampalayam Village Panchayat,
Udumalaipettai Taluk,
Tiruppur District - 642 128.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st to 3rd Respondents to take appropriate action against the persons who are responsible for

(i) the collection of huge amount from individuals to provide unauthorized water connections without issuing proper receipts between the year 2014 and 2017 and

(ii) the financial irregularities occurred during 2019 - 20 and 2020 - 21 in the implementation of various works

(iii) the financial irregularities occurred from 2011 to 2020 in various other aspects

in Kannakampalayam Village Panchayat, Udumalaipettai Taluk, Tiruppur District by conducting a full-fledged enquiry including of conducting special audits to fix the culprit persons and quantify the total revenue loss to Kannakampalayam Village Panchayat, Udumalaipettai Taluk, Tiruppur District and to recover the same from the concerned persons, in accordance with law.

For Petitioner	:	Mr.A.Suresh Sakthi Murugan
For Respondents 1 to 7	:	Mr.V.Manoharan Additional Government Pleader
For Respondent 9	:	Mr.S.Balamurugan
For Respondent 8	:	No appearance



ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to take appropriate action against the persons who are responsible for providing unauthorized water connections without issuing proper receipts between the year 2014 and 2017 and the financial irregularities occurred during 2019 - 20 and 2020 - 21 in the implementation of various works.

2. The learned counsel for the petitioner made a submission that the District Collector initiated action and certain water connections were regularized and in respect of the irregularities, actions were also initiated against the authorities.

3. In the Counter affidavit, the said facts are described in Para Nos.8,9 and 10, which are extracted hereunder:

"8. It is submitted that in response to the complaints regarding unauthorized water supply connections, the second respondent has instructed to regularize all the unauthorized water connections given in the 9th respondent panchayat by communication dated 30.06.2020 subject to certain conditions and thus the 3rd respondent has instructed all the Block Development Officers of the Tirupur District by communication dated 10.07.2020 to regularize the unauthorized water supply connections on or before 15.07.2020.

9. It is submitted that in order to regulate unauthorized water supply connections, the 3rd respondent has constituted a committee and that committee filed a report whereby it is pointed out that total number of water supply connections were given in 9th respondent Panchayat is 6659, as against the permissible limit 3033 of water supply connections prescribed by the TWAD Board for the year 2015-2016 and thereafter in the year 2017-2018, additional number of 1997 connections were given and the committee detected 3784 number of water connections are found to be authorized and 1987 connections are unauthorized. Thereby the 7th respondent has directed the 9th respondent by communication dated 14.07.2020, to regularize all the unauthorized and illegal potable water supply connections with the condition that a sum of Rs.1000/- shall be collected from the individual as one time deposit along with water charges per month.



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10. It is submitted that as on the date there is no unauthorized or illegal water supply connections in the Kanakkampalayam Village Panchayat and nearly a sum of Rs.10,00,000/- has been collected as income for the Kanakkampalayam Panchayat by regularizing the unauthorized connection does not arise since all unauthorized water supply connections were regularized by the competent authorities and no individual person has raised any dispute with authorities, but it is only by the petitioner's association which is no way connected in this issue."

4. In view of the above facts, the District Collector shall pursue the actions already initiated and initiate actions in respect of the offenders and also the persons who all are involved in illegalities and irregularities by following the procedures.

5. With these directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Chief Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director,
Directorate of Rural Development & Panchayat Raj,
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Tiruppur District - 642 128.

+1cc to Mr.A.Suresh Sakthi Murugan, Advocate, S.R.No.6964

+1cc to the Government Pleader, S.R.No.7431

W.P.No.1270 of 2021

SSI(CO)
RLP(18/02/2022)