



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.23158 of 2021

M.Ramadoss

... Petitioner

Vs.

The Commissioner,
Karur Municipality,
Karur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to provide water connection to the petitioner's house in S.No.1713/3F, LNS Village, Karur Taluk, Karur District by considering the representation dated 16.11.2018 preferred by the petitioner within the time that may be stipulated by this Court.

For Petitioner	: Mr.H.Jasima Yasmin for M/s.Ajmal Associates
For Respondent	: Mr.K.Balasubramani, Standing Counsel.

ORDER

The petitioner seeks water connection for the house situated at Survey No.1713/3F, LNS Village, Karur Taluk, Karur District. The petitioner had given a representation on 16.11.2018.

2. It is contended by the learned counsel for the petitioner that the petitioner had also paid necessary charges for grant of water connection and had given the said representation. Learned counsel for the petitioner also stated that a fresh representation would be given within a stipulated period and an onus should be placed on the respondent to consider the same.

3. Mr.K.Balasubramani, learned Standing Counsel who had taken notice for the respondent, however, contended that the petitioner is an encroacher on the land of the Municipality and in this connection, notice had been given and the matter is pending before the Division Bench questioning such notice. It is also claimed that several other Writ Petitions are also pending questioning the occupation of the petitioner in the particular property. It is the grievance of the learned counsel that by



seeking a water connection, the petitioner is innocuously trying to establish possession.

4. But these are issues which are beyond the scope of this particular Court and Mandamus will lie only to the extent, that if the petitioner comes forward to give a fresh representation within a period of two (2) weeks from the date of receipt of a copy of this order, the respondent should answer the same. The discretion with respect to the manner in which the representation should be answered or the nature of the order to be passed, rests entirely with the respondent. But, as a public authority, the respondent has a duty to reply to a representation given, particularly a representation seeking water connection. If at all the representation is received from the petitioner, the respondent may reply to the same by passing an order in manner known to law within a period of four (4) weeks from the date of receipt of such representation.

5. With the said observations, without entering into any discussion on the rights of the petitioner over the aforementioned property, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO:

The Commissioner,
Karur Municipality,
Karur District.

+1 CC to M/s.K.BALASUBRAMANI, Advocate (SR-58[F] dated 04/01/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-134[F]
dated 04/01/2022)

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KMV (CO)

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