



WEB COPY



W.P.No.21415 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21415 of 2023

Kousalya

...Petitioner

Vs.

1.The District Collector
Tiruppur District
Tiruppur.

2.The Assistant Director of Panchayats
Erode Zone
Collector Office
Erode.

3.The Revenue Tahsildar
Palladam Taluk
Tiruppur District.

4.The Executive Officer
Samalapuram Town Panchayat
Samalapuram Village
Palladam Taluk
Tiruppur District 641 668.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order in dated 07.06.2023 in Na.Ka.No.325/2020 passed by the



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fourth respondent and quash the same and consequently direct the respondents to restore the water connection of the petitioner in Water Connection Nos. in 3374, 3375, 3376 & 3377 and also to direct the fourth respondent to collect the garbage from the petitioner's premises situated in Door Numbers 52, 53, 54, 55 & 56 of Mariamman Koil Street No.1(S.F.Numbers 882/1, 2A & 3) of Samalapuram Town Panchayat, Samalapuram Village, Palladam Taluk, Tiruppur – 641 668.

For Petitioner : Mr.Krishna Ravindran
for Mr.K.R.Annamalai

For Respondents : Mr.C.Selvaraj for R1 to R3
Additional Government Pleader

Mr.P.Anandha Kumar for R4
Government Advocate

ORDER

This Writ Petition is filed challenging the proceedings of the fourth respondent mentioning that the fourth respondent Town Panchayat obtained legal opinion for suspension of water supply to the petitioner's residence till the disposal of the Writ Petition filed by the petitioner.



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2. According to the petitioner, she is the joint owner of the property in S.F.Nos.882/1, 2A & 3 situated at Samalapuram Village, Palladam Taluk, Tiruppur District. The fourth respondent fenced a portion of the road in S.F.Nos.883 & 884 and thereby obstructing free access to the petitioner. The petitioner was informed that the fourth respondent wanted to construct a water tank in the fencing area.

3. Therefore, The petitioner filed a Writ Petition in W.P.No.4078 of 2021 seeking removal of the obstruction passed by the fourth respondent. The petitioner also obtained an interim injunction restraining the fourth respondent from putting up a construction in the fenced area. In view of the same, the fourth respondent disconnected the domestic drinking water supply to the petitioner's building in water connection Nos.3375, 3376 & 3377.

4. It is also stated that the fourth respondent instructed the sanitary workers of the Town Panchayat not to collect the garbage from the building of the petitioner.



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5. When the petitioner approached the fourth respondent for re-connection of water supply, the petitioner was directed to withdraw the Writ Petition. Aggrieved by the same, the petitioner issued a legal notice to the fourth respondent seeking re-connection of water supply. As response to the legal notice issued by the petitioner, the fourth respondent sent the impugned communication stating that the fourth respondent got legal opinion for disconnection of water supply pending disposal of the Writ Petition in W.P.No.4078 of 2021 filed by the petitioner.

6. When the matter is taken up for hearing, learned Government Advocate appearing for the fourth respondent, on instructions, submitted that water supply to the petitioner's building is restored by a new connection. The said statement made by the learned counsel for the fourth respondent is recorded.

7. The learned counsel for the fourth respondent also submitted that the fourth respondent has not instructed sanitary workers not to collect the garbage from the petitioner's building.



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8. The learned counsel for the petitioner also submitted that the collection of garbage from the petitioner's building is also restored. The said statement made by the learned counsel for the petitioner as well as the fourth respondent is recorded.

9. In view of the same, no further orders are required in this Writ Petition. It is needless to say that the fourth respondent is not entitled to disconnect the water supply to the petitioner's building without following due process of law.

10. With the above observations, this Writ Petition is disposed of.
No costs.

26.07.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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