



W.P(MD)No.871 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.871 of 2022

Veerapagu

... Petitioner

Vs.

1.The District Collector
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer
Panchayat Union Office,
Karunkulam,
Thoothukudi District.

3.The Assistant Director
Panchayat Union Office,
Karunkulam,
Thoothukudi District.

4.The Assistant Engineer
Panchayat Union Office,
Karunkulam,
Thoothukudi District.

5.The President
Chekkarakudi Panchayat,
Keelachekkarakudi,
Thoothukudi District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the fourth and fifth respondents to consider the petitioner's representations, dated 28.08.2021 and 07.09.2021 to reconnect the water tap connection to the petitioner's house from changing the existing connection of 44 taps connection to 17 taps connection, the one commencing from the petitioner's adjacent house and also to reestablish the existing public water tap connection which was already in existence in front of the petitioner's house.

For Petitioner : Mr.R.Murugan

For Respondent : Mr.D.S.Nedunchezian, - for R1

Government Advocate

Mr.N.Muthu Vijayan - for R2 to R4

Special Government Pleader

No Appearance - for R5

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction against the respondents 4 and 5 namely, the Assistant Engineer, Panchayat Union Office, Karungulam at Thoothukudi District and the President, Sakkarakudi Panchayat, Keelasakkarakudi,



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Thoothukudi District, to consider the representations of the petitioner, which were dated 28.08.2021 and 07.09.2021 and thereby reconnect the water tap connection to the house of the petitioner from changing the existing connection of 44 taps to 17 taps and commencing from the petitioner's adjacent house and to reestablish the existing public water tap connection which was already in existence in front of the house of the petitioner herein.

2. In the affidavit filed in support of the writ petition, it had been stated that though water supply has to be provided by the fifth respondent to all the houses, water supply has not been given to the house of the petitioner herein. It had been stated that the fifth respondent had deliberately provided only one connection which leads to 44 taps and the last tap ends at the house of the petitioner and therefore, there is no water supply to the house of the petitioner herein. It is stated that there is another connection for 17 water taps commencing from the adjacent house of the petitioner and the petitioner claims that connection for water tap may be given from that particular connection. In this connection, the petitioner had given representations. The representations



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have been replied. It is alleged that the petitioner had encroached into Government natham lands. That fact is denied by the petitioner herein.

3. A counter affidavit had been filed by the second respondent, wherein, it has been stated that a complaint had been preferred by 40 residents that the water supply to their houses was not sufficient and therefore, to ensure adequate supply of water to all the houses and taking into consideration the relevant parameters of height of the place to be provided with tap connection and distance, necessary water tap connections have been made. It had been stated that apart from the petitioner nobody else has given representations in this regard.

4. The fifth respondent / President of the Panchayat had also given instructions to the Special Government Pleader and it had again been stated that there were complaints from the 40 residents about inadequate supply of water and therefore, arrangements have been made to ensure that every household gets adequate water supply. It has been stated that the petitioner's grievance has also been addressed. It has also been stated that sufficient water connection has also been given to the



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house of the petitioner bearing door No.9/134 and there was no necessity to give any alternate water tap supply. In this connection, photographs have been annexed by the fifth respondent herein.

5. This is a writ petition, wherein, the petitioner claims that he should be given water supply from the connection which starts from the adjacent house and provides for 17 other houses. He is having connection from the water supply pipe line which serves 44 houses and the petitioner house is the last house.

6. The supply for water had been justified by the respondents in the counter. These are all the facts which can be determined only by the authorities. There is also an allegation that the petitioner had encroached into Government poromboke land. The petitioner claims that the said land is natham poromboke land. The panchayat can only take maximum effort to supply water to every household. There may occasions where certain households would be a little far away from the common water tap and an obligation is always placed that they should go there and get the water supply.



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7. This Court cannot examine all these aspects. The petitioner's representation may be addressed directly by the fifth respondent by the petitioner, but it is seen from the records that the fifth respondent had actually taken steps to provide water supply to all the households in that particular area. The petitioner cannot expect specific or singular treatment provided only for his house.

8. No orders can be passed in a writ petition with respect to the relief sought. The writ petition stands dismissed. No costs.

9. At any rate, I would still place an obligation on the fifth respondent to re-examine the entire issue even though, the writ petition is dismissed, if it is possible to grant water supply and if it is not possible, let things remain as they are.

09.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
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C.V.KARTHIKEYAN, J.

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