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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.8011 of 2023

K.Balasubramaniyan

... Petitioner

vs.

1.The District Collector,
Collectorate Office, Nagercoil,
Kanniyakumari District- 629 001.

2.The Block Development Officer,
Block Development Office,
Bhoothapandi Union, Nagercoil,
Kanniyakumar District- 629 852.

3.The President,
Thirupathisaram Village Panchayat,
Nagercoil, Kanniyakumari District-629 302.

4.Kanthan @ Kanthasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 to 3 to provide drinking water connection to the petitioner's house Door No.8/72, situated at Illathar Street, Therakalpudur, Nagercoil, Kanniyakumari District by considering the representations, dated 07.11.2022 and 19.01.2023.



For Petitioner :Mr.R.Karunanidhi
For R1 to R3 :Mr.N.Muthu Vijayan
Special Government Pleader
For R4 :Mr.C.Godvin

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents 1 to 3 to provide drinking water connection to the petitioner's house Door No.8/72, situated at Illathar Street, Therakalpudur, Nagercoil, Kanyakumari District The petitioner had submitted representations on 07.11.2022 and 19.01.2023.

2.Heard Mr.R.Karunanidhi, learned Counsel for the petitioner, Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents 1 to 3 and Mr.C.Godvin, learned Counsel for the fourth respondent.

3.It is extremely unfortunate that the petitioner and the fourth respondents are locked up in a dispute relating to share of a property and it is claimed that the petitioner is entitled only to an undivided 1/7 share in the property for which he seeks water connection and further it is also



stated that the petitioner is actually residing in Coimbatore

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4.I am not able to understand as to how providing of water supply would create title over a property.

5.The third respondent may get specific undertaking from the petitioner herein that if water supply is granted, it would not mean that it would create additional title over the property. The share cannot be increased or decreased merely because a further amenity is granted, like water supply or electricity supply. They are amenities provided for the residents in the particular place. It is made clear that if the third respondent provides water supply to the portion where the petitioner seek, it will not mean and I would again repeat it would certainly not mean that the petitioner becomes the owner of that property, merely because the water supply is granted. It would only mean that the petitioner can use the water if it flows from the tap in that particular place. No further right is created.

6.After getting those undertaking, the third respondent may also



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enquire with the fourth respondent and also give a copy of the undertaking given by the petitioner to the fourth respondent and anybody and everybody in that particular house can use the water supply and electricity in any of the room in that house. With those conditions, water supply may be provided by the third respondent . It is also seen that even if the petitioner pays taxes or any charges for supply of water, it would not create additional title to the property for the petitioner herein. The third respondent may take a decision within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

15.06.2023

cmr



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Block Development Office,
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C.V.KARTHIKEYAN, J.

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Order made in
W.P.(MD)No.8011 of 2023

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