



W.P(MD)No.8529 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.8529 of 2023

A.Kalaiselvan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Director of Panchayat,
Dindigul District,
Dindigul.

3.The Block Development Officer,
(Village Panchayat),
Thoppampatti Panchayat Union,
Dindigul District.

4.The Panchayat President,
Korikadavu Village Panchayat,
Korikadavu,
Narikkalpatti post,
Palani Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to effect drinking water service connection to the petitioner's houses measuring



W.P(MD)No.8529 of 2023

to an extent of 0.0031 Hectare (3/4 cents) comprised in Survey No.925/1, situated at Appichi Ammathal Kovil Street, Korikadavu Village, Palani Taluk, Dindigul District, by considering his representation dated 20.07.2022.

For Petitioners : Mr.T.Lenin Kumar

For R1 and R2 : Mr.N.Muthuvijayan
Special Government Pleader

For R3 : Mr.A.Kannan
Additional Government Pleader

For R4 : Mr.R.Venkateshwaran

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction against the fourth respondent, Panchayat President, Korikadavu Village Panchayat, Korikadavu, Narikkalpatti post, Palani Taluk, Dindigul District, to effect drinking water service connection to the houses of the petitioner measuring 0.00.31 hectares in Survey No.925/1 at Appichi Ammathal Kovil Street, Korikadavu Village, Palani Taluk, Dindigul District. The petitioner had given a representation dated 20.07.2022.

2. In the affidavit filed in support of the writ petition, the writ petitioner, Kalaiselvan stated that he is residing in the aforementioned address with his



W.P(MD)No.8529 of 2023

family. He claimed that he and his wife are in absolute possession and enjoyment of the property. He also constructed two houses in the year 2014.

He claims that he has been paying house tax to the fourth respondent panchayat continuously. He then applied for water supply. He had given a representation on 12.07.2021, seeking restoration of drinking water supply. Since no action has been taken, this writ petition has been filed.

3. The learned Special Government Pleader raised an objection about impleading the 1 and 2 respondents as parties in the writ petition. The learned Special Government Pleader stated that the District Collector and the Assistant Direction of Panchayat have no role to play on the issues raised by the petitioner herein. They have been unnecessarily dragged in the writ petition. It is stated that this Court should take note of the particular fact.

4. A learned counsel also entered appearance on behalf of the fourth respondent. The learned counsel appearing for the fourth respondent produced documents which indicated that the land /house at Survey No.925/1 stood in the name of one Chellathurai. It is stated that Chellathurai had died and that the petitioner is not directly related to the said Chellathurai. He cannot certainly qualify himself as Class-I legal heir of Chellathurai to claim right of possession



W.P(MD)No.8529 of 2023

and claim drinking water supply and right to seek the property to be assessed as house tax. It is also stated that the brother of the petitioner himself one Jeyaraj has raised objection on the locus and bonafide of the petitioner herein.

5. These are facts which would be known only to the fourth respondent and therefore a mandamus is issued to the fourth respondent to examine the representation of the petitioner but before taking any decision, the fourth respondent may keep in mind that the petitioner is not directly related to Chellathurai that the petitioner should not enlarge his rights over the property over which he has no direct right, title or interest and that he already has two houses one in his name and another in the name of his wife Saroja at different survey numbers and that the property at survey no.925/1, cannot be claimed by him exercising any right. These factors may be kept in mind by the fourth respondent. It is also to be noted that the houses has not been assessed to tax. Keeping all these factors to the consideration, the fourth respondent may pass necessary orders within a period of four weeks from the date of receipt of a copy of this order. I would again place caution on the fourth respondent to, before passing any such order, consider all records and then pass an order.



W.P(MD)No.8529 of 2023

6. In view of the particular fact, this writ petition is disposed of.

No costs.

21.04.2023

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

pnn

To

- 1.The District Collector, Dindigul District, Dindigul.
- 2.The Assistant Director of Panchayat, Dindigul District, Dindigul.
- 3.The Block Development Officer,
(Village Panchayat),
Thoppampatti Panchayat Union,
Dindigul District.
- 4.The Panchayat President,
Korikadavu Village Panchayat,
Korikadavu,
Narikkalpatti post,
Palani Taluk,
Dindigul District.



WEB COPY



W.P(MD)No.8529 of 2023

C.V.KARTHIKEYAN, J.

pnn

W.P(MD)No.8529 of 2023

21.04.2023