



WP(MD)No.17982 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17982 of 2014
and
MP(MD)Nos.1 & 2 of 2014

A.Subramanian

... Petitioner

v.

1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Thatchanallur Ward Office,
Tirunelveli Corporation,
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent's proceedings in Na.Ka.No.E2/6375/2013, dated 30.10.2014 and quash the same and further directing the respondents not to disconnect and disturb the existing water connection of the petitioner's house, situated in Door No.6-D, Ettu Thogai Street, Vannar Pettai, Tirunelveli.



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WP(MD)No.17982 of 2014

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.Aayiram K.Selvakumar

ORDER

This writ petition is filed challenging the notice issued by the second respondent in Na.Ka.No.E2/6375/2013 dated 30.10.2014. By the said notice, the second respondent directed the petitioner's father to shift the water service connection for his house at Door No.6-D, Ettu Thogai Street, Vannar Pettai, Tirunelveli, from the main line to the sub-line.

2.The petitioner has filed this writ petition alleging that by the impugned notice his father was directed to get a new service connection, instead of the old service connection. He also claimed that he is residing in that place for more than 12 years and enjoying the water service connection for more than 20 years, however, by the impugned notice, they were directed to get a new service connection. Therefore, this Court has entertained this writ petition and has also granted an order of interim stay.



WP(MD)No.17982 of 2014

WEB COP 3. When the matter came up for hearing today, learned Counsel for the petitioner submitted that as on date, the petitioner's father is no more and that the petitioner is not residing in the subject property and therefore, the petitioner is not having any interest to prosecute this writ petition. Learned Counsel sought for a short accommodation to get written instructions for withdrawing the writ petition.

4. This Court perused the counter affidavit filed by the respondents. The counter affidavit reveals that the petitioner's father has obtained the water service connection 30 years back, when there was no sufficient water pipe line. Now there are more houses, due to development and in order to equally distribute the water, they have laid branch lines and directed the users, including the petitioner's father, to shift the service connection from the main line to the branch line. The petitioner's father was already served with a notice dated 13.12.2013 and since he has not complied with the same, the impugned notice dated 30.10.2014 came to be issued.



WP(MD)No.17982 of 2014

5.A reading of the impugned notice reveals that the petitioner's father was only requested to get the water service from the sub-line, instead of the main line. This Court feels that it is the duty of the respondents to distribute the water equally and this petitioner cannot claim it as a matter of right to draw the water from the main line.

6.Since the petitioner claims that he is not residing in the subject property any more, this writ petition stands disposed of, with liberty to the respondents to issue a fresh notice to the occupant of the subject property within a period of 15 days from the date of receipt of a copy of this order, for effecting the change from the main line to the sub-line, by providing one month time. In the event if the occupant fails to effect such shifting, the respondents shall take appropriate action in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

Index : Yes / No
NCC : Yes / No
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10.03.2023



WEB COPY



WP(MD)No.17982 of 2014

B.PUGALENDHI, J.

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WP(MD)No.17982 of 2014

10.03.2023