



WP(MD)No.4542 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.4542 of 2016
and
WMP(MD)No.4118 of 2016

C.Gurusamy

... Petitioner

v.

1.The Commissioner,
Paramakudi Municipality Office,
Paramakudi – 623 707,
Ramanathapuram District.

2.Periakaruppan

... Respondents

[R.2 impleaded vide order dated 28.03.2016]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the first respondent from providing water connection to the private person house situated at No.7/58, Fish Market Street, Paramakudi, Ramanathapuram District.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.M.Kannan
for R.1

No appearance for R.2



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ORDER

The petitioner has filed this writ petition seeking a mandamus forbearing the first respondent from providing water connection to the second respondent.

2.The grievance of the petitioner is that he is the owner of the subject property and the second respondent, who is a third party, has requested for water connection in respect of the property. On knowing that the petitioner has raised objections, the second respondent has filed a suit in O.S.No.78 of 2011 seeking permanent injunction before the District Munsif Court, Paramakudi and the same was dismissed. Challenging the same, the second respondent has preferred an appeal in A.S.No.12 of 2013 before the Sub Court, Paramakudi and the same was also dismissed. As against the same, the second respondent has preferred a second appeal before this Court in SA(MD)No.895 of 2014 and the same is pending, without any interim order.



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3.Learned Counsel for the petitioner submitted that in the meantime, the first respondent has laid the pipe connections and therefore, he has moved the instant writ petition.

4.There is no representation for the second respondent.

5.Learned Standing Counsel for the first respondent admitted that there are some civil litigations pending between the parties and the second respondent has lost his case before the trial Court as well as the first appellate Court. He further submitted that considering the civil litigations and the pendency of this writ petition, the first respondent has not provided any water connection, though laid the pipe lines.

6.Recording the submission made by the learned Standing Counsel that they have not effected any water service connection in view of the pending litigations, this writ petition stands closed as no further order is required to be passed. The second respondent shall work out his remedy in the pending second appeal and based on the result of the same, he shall approach the



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B.PUGALENDHI, J.

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authorities concerned for appropriate relief. No costs. Consequently,
connected miscellaneous petition stands closed.

Index : Yes / No

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Internet : Yes / No

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To

The Commissioner,
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