



W.P.No.15444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15444 of 2024

A. Kalpana

...Petitioner

Vs

1. The Commissioner
Madukkarai Municipality,
Madukkarai, Coimbatore.

2.R. Aruchamy

3. R. Kanagaraj

4. R. Vellingiri

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondents to forthwith provide new water connection to the petitioner premises situated at No.260 S, IndraGandhi Veedhi, Kurumbapalayam, Madukkarai, Coimbatore – 641 105.

For Petitioner : Mr.P . Saravana Sowmiyan

For Respondents : Mr.P. Srinivas for R1
Standing Counsel



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ORDER

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2. This Writ Petition has been filed to direct the 1st respondent to forthwith provide new water connection to the petitioner premises situated at No.260 S, IndraGandhi Veedhi, Kurumbapalayam, Madukkarai, Coimbatore – 641 105.

3. The case of the petitioner is that the petitioner is the absolute owner of the land measuring about 1.752 sq.ft comprised in SF.No.120/1 A, Madukkarai Village, Coimbatore District, by virtue of settlement deed dated 19.03.2020 registered as Doc.No.1933 of 2020 in the SRO, Madukkarai, executed by her father R. Ramasamy in her favour. The Revenue records and patta were issued in her favour in patta No.675 and also the said property is assessed to property tax in No.169/007/900013. The application of the petitioner for providing new water connection was accepted by the 1st respondent by notice dated 14.08.2023 and he directed to pay the applicable charges of Rs.17,130/- on demand. Now



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the 1st respondent office came to effect new water connection on 14.03.2024. The respondents 2 to 4 objected and prevented them from giving water connection and also threatened the petitioner and the employees of the 1st respondent. Shanthi, who is the sister of the petitioner, gave a complaint to the Inspector of Police, Madukkarai Police Station and it was taken in CSR.No.138/2024. The respondents 2 to 4 along with 9 others have filed OS.No.756 of 2020 on the file of V Additional District and Sessions Court, Coimbatore. The access to the water forms part of Article 21 of the Constitution of India which guarantees every person a right to life. It is a settled proposition of law that water is a basic amenity which cannot be deprived on the ground of dispute in ownership. The petitioner made a representation on 16.03.2024 to the 1st respondent to provide the new water connection which he has received on 19.03.2024. Despite receiving the same, the 1st respondent failed to act upon. Hence, this petition.

4. The learned counsel for the petitioner has submitted that even when there is no legal impediment, the 1st respondent is not providing the water connection and the same is malafide and unjustifiable inaction. The



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said representation has been kept idle without any progress.

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5. The learned counsel appearing for the 1st respondent has submitted that already he was ready and willing to provide water connection and on 05.09.2023 itself, the petitioner has paid the appropriate amount. For the said connection, deposit amount also has been paid. But regarding the re-direction of the roads and seniority, fee has to be paid. She is directed to comply the letter No.169/MMO/01/23-24/0008922 dated 23.11.2023 and according to that, necessary materials for laying the said pipeline has to be provided by the petitioner. On 06.12.2023, they have sent a notice to the parties concerned directing them to provide the materials for laying pipelines from their house till main line and only then, the 1st respondent can give water connection to the private individuals and also the task in the said notice dated 06.12.2023 shall be completed within 7 days from the date of receipt of the said notice. But the petitioner has not provide with any materials and have not annexe the said letter which has been sent by the Municipality dated 06.12.2023 to the petitioner. Thereafter, there is no action taken on the part of the petitioner herein. But the petitioner is before this court by



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way of filing writ petition stating that their representation is not considered by the 1st respondent. He further submitted that already permission has been granted by the 1st respondent and the petitioner has to do their part without stagnation and they shall take steps to lay pipeline by providing all the materials to the 1st respondent. Only after providing of materials, the 1st respondent can proceed and lay water pipeline connection to the petitioner.

6. The learned counsel for the petitioner submits that they will be ready with the said materials within a period of two weeks. Therefore, the 1st respondent is directed to give the pipeline to the petitioner on provision of materials after a minimum period of two weeks.

7. It is made clear that the right executed by their father and patta issued by the revenue officials stands in her name and if there is any objection from her brother or other family members, police protection can be sought for by the petitioner for laying pipelines, if necessary.



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V.BHAVANI SUBBAROYAN,J.

gv

8. With the aforesaid direction, this Writ Petition stands disposed
of. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
gv

To
The Commissioner
Madukkarai Municipality,
Madukkarai, Coimbatore.

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