



W.P. No.19013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.07.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19013 of 2024

G. Subramaniyan

....Petitioner

..Vs..

1.The District Collector
Office of the District Collector,
Cuddalore, Cuddalore District.

2. The Revenue Divisional Officer
Office of the RDO, Cuddalore,
Cuddalore District.

3. Tahsildar
Office of Tahsildar,
Apnrutti Taluk, Cuddalore District.

4.The Village Administrative Officer,
Office of V.A.O, Veerasinga Kuppam, Panrutti Taluk,
Cuddalore District-607 805.

5.The Block Development Officer,
The Block Development Office,
Panchayat Union Office, Panrutti,
Cuddalore District.

6.The President



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Keelkangeyam Kuppam Panchayat, Panchayat Office,
Panrutti Taluk, Cuddalore District-607 805.

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7.R.Kumar

8.R.Sakthivel

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records in connection with the order passed by the 5th respondent in Na.ka.No:A6/2159/2020 dated 12-11-2020 and quash the same and directing the respondents 1 to 6 herein to restore the water service connection to the petitioner's house No.217, Aattukaran Street, Keelkangeyam Kuppam (P.O), Panrutti (T.K), Cuddalore District 607 805 and pass orders accordingly.

For petitioner : Mr. S. Sabarish

For Respondents : Mr.P. Gurnathan for RR1to4
(Govt. Advocate)
: Mr.P.Ananad kumar for RR5&6

ORDER

This Writ petition has been filed under Article 226 of the



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Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records in connection with the order passed by the 5th respondent in Na.ka.No:A6/2159/2020 dated 12-11-2020 and quash the same and directing the respondents 1 to 6 herein to restore the water service connection to the petitioner's house No.217, Aattukaran Street, Keelkangeyam Kuppam (P.O), Panrutti (T.K), Cuddalore District 607 805 and pass orders accordingly.

2.The learned counsel for the plaintiff submits that the petitioner purchased the property in the year of 11/03/1947 and 21-2-1952 from one Mr. Gopalaachchari and his sons. From the date of purchase onwards, he is in absolute possession and enjoyment of the property. The property situates in S.no:126/24. The pathway lead to the petitioner's property, which runs through S.no: 139/7, S.no:139/1, S.no: 126/27, S.no: 126/22 -C, S.no:126/22-A, S.no: 126/20-B, S.no: 126/21-A. The electricity service connection, water service connection which were run through the said survey numbers.

3.It has been further submitted by the learned counsel for the petitioner that next to the petitioner's residence one Govindasamy



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Padaiyachi was residing and his sons Mr. Chandrasekaran was working as a V.A.O and his another son Renganathan was working as a Deputy Tahsildar.

They by way of abuse of power, the Government properties situated next to their property has been converted as a patta land in their family members name.

4. It has been further submitted by the learned counsel for the petitioner that the 7th and 8th respondents are residing adjacent to the petitioner's property and they are the close relatives of said Chandrasekaran and Renganathan, with the help of Renganathan and Chandrasekaran converted the Government land, which were meant for pathway has been granted with patta in an illegal manner. The 7th and 8th respondents partially obtained patta in connection with the pathway run through survey Nos: 139/7, 139/1, 126/22C, 126/22A, 126/20 B, 126/21A. Now, the 7th and 8th respondents after obtaining patta blocked the pathway, disconnected the electricity service and water service connection. Even though in this regard, the petitioner has made a complaint with the police and revenue officials, there is no effective action on the said complaint and water service connection was not yet resumed. The 8th respondent forcing the petitioner to



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sell his property to him and settle somewhere.

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5. It has been further submitted by the learned counsel for the petitioner that the Government property, the objectionable lands were issued with patta in an illegal manner in favour of the individuals and the said patta holders preventing and restraining the petitioner from using the public pathway. The entire old survey related with survey numbers: 139, 126 has been destroyed, A register missing. The 3rd respondent keeping the new manipulated records with them and informing that his office is not having the old revenue records with them and they are not in a position to survey the same. The respondent has not brought the original field map for surveying the same. The 3rd respondent keeping the new map changing the objectionable government land into private land and with that new map trying to cover up the error committed by the 4 of the respondents.

6. It has been further submitted by the learned counsel for the petitioner that each individual has got the right to way, right to water, right to have electricity service connection. However, these are denied to the petitioner. The porampokku property meant for common purpose, reserved



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for all and no one can claim any ownership in connection with the same.

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7 . It has been further submitted by the learned counsel for the petitioner that in the year of 2020, the 6th respondent issued an undated proceeding and disconnected the water supply service connection stating that the pipe line runs to the petitioner's residence is passing through private properties ie. 8th respondent property. The 6th respondent through his undated proceedings in resolution No:40 disconnected the water service connection in an illegal manner. The petitioner is are taking water from the school campus which is far away from the petitioner's residence and no separate pipe line was made or fixed by Panchayat in a common place to fetch water in the distance of 50 feet from the petitioner's residence.

8.It has been further submitted by the learned counsel for the petitioner that the 5th respondent in his proceedings in Na.Ka.No: A6/2159/2020, dated 12-11-2020, informed that due to the objection by the 8th respondent, the water service connection was disconnected. Till today the petitioner is paying the necessary water charges to the 6th respondent and from 20-10-2020 onwards, the petitioner is suffering without water.



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Even though the petitioner was continuously making several requests to the 2nd to 6th respondents in person and also by way of makings several representations, they have not taken any steps to restore the water supply to the residence of the petitioner. Hence, the petitioner has come up with the present Writ petition.

9. The learned counsel for the respondents submits that the petitioner has laid a water pipe line in the path way in connection with the Patta Land owned by neighbour of the petitioner namely Mr. Kumar who is the 7th respondent herein. In view of the difference of opinion with him, he has disconnected the water pipe line lying through his patta land. However, taking into consideration the necessity of the water, a Water Tap has been installed in the distance of 50 feet from the petitioner's residence. Hence, the Writ petition is liable to be dismissed.

10. Heard both sides and perused the materials available on record.

11. On a perusal of the records, it has been stated vide letter dated 22.07.2024 in Na.Ka.No.A3/1565/2024, that the water pipe of the



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petitioner has been disconnected since it is lying in the patta land owned by the 7th and 8th respondents and a Public Water Tap has been installed in the distance of 50 feet from the petitioner's house taking into consideration of the necessity of the water.

12. Having considered the facts and circumstances of the case and submissions made by both sides, it is seen that the reasons stated by the respondents are not acceptable. Hence, the respondents are hereby directed to consider the various representations made by the petitioner and take appropriate action and pass orders on his representations to lay water pipe to the petitioner residence as early as possible.

13. In view of the above direction, the Writ petition is disposed of. No costs.

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Index : Yes/No
Internet: Yes/No
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To
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V.BHAVANI SUBBAROYAN, J.,

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