



W.A(MD)No.1087 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.A(MD)No.1087 of 2024

A.Unnamalai

... Appellant

vs.

1. S.Udaiyar

2. The District Collector,
Thoothukudi District,
Thoothukudi.

3. The Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

4. The Executive Officer/President,
Chidambarapuram Village Panchayat,
Kovilpatti Panchayat Union,
Thoothukudi District.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 29.01.2024 made in W.P(MD)No.27821 of 2023.

For Appellant : Mr.P.Banuprasath

For R1 : Mr.M.Rajarajan

For R2 to R4 : Mr.N.Satheesh Kumar, Additional Government Pleader



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JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

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There is a Central Government scheme called, Prime Minister Jal Jeevan House Hold Drinking Water Scheme, under which, drinking water facilities are provided for the entire village of the appellant as well as the 1st respondent, that is, at Chidambarapuram Village Panchayat, Kovilpatti Panchayat Union, Thoothukudi District.

2. Insofar as the 1st respondent's house is concerned, if at all water connection is to be provided, pipe has to be laid in Survey No.144/2, which according to the official respondents, is a Government poramboke land, whereas, it is the claim of the appellant that, the said land belongs to him, but in this regard, there has been no title to establish that, the land belongs to the appellant and moreover, if there has been a dispute between the Government and the appellant, the appellant has to approach the Civil Court to get a declaratory decree. Until such declaration is made by the competent Civil Court, it cannot be construed that, the land in question belongs to the appellant. Therefore, at this juncture, in order to provide drinking water facility to the 1st respondent, which is an inevitable amenity to be provided to every citizen of the country, when an attempt was made by the official respondents, that seems



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to have been thwarted by the appellant, claiming that, the land belongs to him.

Only at that juncture, the 1st respondent had approached the Writ Court and filed writ petition in W.P(MD)No.27821 of 2023, seeking for a Writ of Mandamus, directing the official respondents to lay pipeline through Survey No.144/2 to provide drinking water to the writ petitioner's house under the Prime Minister Jal Jeevan House Hold Drinking Water Scheme and a representation also to that effect, had been given by the 1st respondent on 15.08.2023.

3. The learned Writ Court, having considered this factual matrix, has passed the following order:

"5. It is seen that the subject property is a government land. There cannot be any discrimination among the public and the authorities are directed to implement the aforesaid scheme in a proper manner to avoid all the unnecessary issues. The official respondents shall direct the concerned officials to lay the pipeline through S.No.144/2 and provide water connection to the petitioner's street in a peaceful manner within a period of twelve weeks from the date of receipt of a copy of this order and the official respondents shall ensure that there shall not be any law and order situation. If the fourth respondent has got any right over the subject property, it is left open to the fourth respondent to approach the competent civil Court for declaration of his title. It is also made clear that if there is any other possible way to supply water to the petitioner's street, the official respondents are directed to consider the same as per the revenue records.

6. With the above directions, this writ petition is disposed of. No costs."



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4. Aggrieved over the said order passed by the Writ Court, the present appeal has been directed.

5. Heard Mr.S.P.Banuprasath, learned counsel appearing for the appellant, Mr.M.Rajarajan, learned counsel appearing for the 1st respondent and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the 2nd respondent.

6. Insofar as the land in question, that is, Survey No.144/2 is concerned, it is the claim of the Government that, it is the Government poramboke land. If any contra claim comes from the appellant, for which, documents have to be produced and moreover, if there has been a dispute with regard to the title over the property, naturally, the parties have to be relegated to the Civil Court to establish their right and get a declaratory decree. Until such time, the status quo in respect of the property has to be maintained that, it belongs to the Government, where, only, the Government authorities want to lay the pipeline to supply drinking water to the 1st respondent.

7. This position since has been considered by the learned Judge and the aforestated order since has been passed, we do not find any error in the said



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approach of the learned Writ Court and the conclusion arrived at by the learned Judge in the impugned order.

8. Assuming that the appellant can have a lawful claim over the property, for which, if he wants to approach the Civil Court, it is open to him to approach the Civil Court to get a declaratory decree, but in the meanwhile, if any pipe is laid in the subject land, that is, Survey No.144/2 is concerned, that would be subject to the outcome of the decision to be made by the Civil Court, where, if any such civil suit is filed by the appellant at a later point of time. With that condition, necessary laying of pipeline work can be undertaken by the official respondents for providing drinking water to the 1st respondent as well as any inhabitants in the locality.

9. With this modified observation and direction, the Writ Appeal is disposed of. No costs.

(R.S.K., J.)

(G.A.M., J.)

02.07.2024

Index : Yes / No
Neutral Citation : Yes / No
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and
G.ARUL MURUGAN, J.

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To

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Thoothukudi.

2. The Block Development Officer,
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Kovilpatti,
Thoothukudi District.

3. The Executive Officer/President,
Chidambarapuram Village Panchayat,
Kovilpatti Panchayat Union,
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ORDER MADE IN
W.A(MD)No.1087 of 2024
DATED : 02.07.2024