



W.P.(MD) No.2701 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.2701 of 2018

M.Jesintha Marry

... Petitioner

Vs.

1.The Commissioner,
Trichirappalli Corporation,
Ponmalai Division,
TVS Tollgate, Trichy - 620 020.

2.The Assistant Commissioner,
Trichirappalli Corporation,
Ponmalai Division,
TVS Tollgate, Trichy - 620 020.

3.The Executive Engineer,
Trichirappalli Corporation,
Ponmalai Division,
TVS Tollgate, Trichy - 620 020.

4.T.Pushpavalli

... Respondents

[R4 is impleaded vide order dated 03.04.2024, in
W.M.P.(MD)No.3056 of 2018]

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to rectify the water connection in tax assessment No.30040 and restore water supply to the petitioner's house in No.1/3, Pandarinathapuram,



W.P.(MD) No.2701 of 2018

Beemanagar, Trichy - 620001, based on the petitioner's representation dated 06.01.2018.

For Petitioner : Mr.C.Meenakshi Rama Prabhu

For R1 to R3 : Mr.K.R.Kishore Ram
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to rectify the water connection in tax assessment No.30040 and restore water supply to the petitioner's house in No.1/3, Pandarinathapuram, Beemanagar, Trichy, based on the petitioner's representation dated 06.01.2018.

2.The petitioner claims to be a tenant of the fourth respondent, from whom, she has purchased the property pursuant to a decree passed in a suit for specific performance in O.S.No.188 of 2015. It is the further case of the petitioner that after the suit was decreed, she has been regularly paying water connection charges upto 2017-2018 *i.e.*, till the filing of the Writ Petition. Despite the same, the respondents have not restored the water connection and thus, the petitioner is suffering without water supply connection.



W.P.(MD) No.2701 of 2018

WEB COPY 3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents 1 to 3.

4. The Writ Petition is of the year 2018. However, till date, no counter affidavit has been filed. The petitioner appears to have given a representation dated 06.01.2018 to the respondents 1 to 3 seeking water supply connection.

5. Today, the learned Standing Counsel for the respondents 1 to 3 has produced a copy of the judgment, dated 08.02.2024, in O.S.No.188 of 2015, which was partly decreed in favour of the petitioner.

6. A perusal of the above said judgment reveals that the said suit has been partly decreed by holding that the petitioner was entitled to Rs.5,00,000/- together with 18% interest from 08.03.2012 to the date of presentation of plaint, viz., 30.04.2015 and from 01.05.2015 to the date of decree with 9% interest on Rs.5,00,000/- and from the date of decree till the date of realisation, the petitioner is entitled to interest at 6% apart from Rs.19,35,000/- deposited in the Principal District Court, Trichy. The



W.P.(MD) No.2701 of 2018

relevant portion of the said judgment reads as under:-

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"10. In the result, the plaintiff is entitled to Rs. 5 Lakhs with 18% interest from 08.03.2012 to date of presentation of plaint, viz, 30.04.2015 and from 01.05.2015 to date of decree with 9% interest on Rs.5 Lakhs and from date of decree to date of realisation 6%. The plaintiff is entitled to receive back Rs. 19,35,000/- deposited in the Hon'ble Principal District Court, Trichy. DR.No.43/05.05.2017, deposited in Indian Overseas Bank, Cantonment Branch, Trichy. The relief of specific performance is hereby Dismissed. The suit is decreed with costs."

7. Thus, the rights of the petitioner over the property as the owner of the property, does not survive. In any event, it is the submission of the learned Standing Counsel for the respondents 1 to 3 that there was no disconnection of the water.

8. In view of the above, this Writ Petition stands dismissed. No costs.

05.04.2024

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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W.P.(MD) No.2701 of 2018

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WEB COPY

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W.P.(MD) No.2701 of 2018

C.SARAVANAN, J.

smn2

W.P.(MD) No.2701 of 2018

05.04.2024