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W.P.(MD) No.16454 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD) No.16454 of 2017

and

W.M.P.(MD) Nos.13110, 13111 & 19525 of 2017

J.K.Pradeep Kumar

... Petitioner

-vs-

- 1.State of Tamil Nadu
rep.by its Secretary
for Department of Local Administration
Fort St.George, Chennai
- 2.The District Collector
Dindigul District
- 3.The Executive Officer
Pannaikadu Panchayat
Pannaikadu
Kodai Hills
Dindigul District
- 4.Special Officer
The Assistant Director
of Town Panchayat
Dindigul Zone



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5.Balaji Seenivasan
through his power agent
Anand Mohan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent to consider the representation dated 16.08.2017 and to initiate action under Section 217E of the District Municipality Act, 1920 against the fifth respondent in respect of his unauthorized construction put up in Survey No.S.E.No.849/1 and Patta No.2183 at Pannaikadu Main Road, Kodaikanal Taluk, Dindigul District.

For Petitioner : Mr.K.Prabakaran

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
No appearance for R3 to R5

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the second respondent to consider the representation of the petitioner dated 16.08.2017 and to initiate action under Section 217E of the Tamil Nadu District Municipalities Act, 1920 against the fifth respondent in respect of his unauthorized construction put



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up in Survey No.S.E.No.849/1 and Patta No.2183 at Pannaikadu Main Road, Kodaikanal Taluk, Dindigul District.

2. The grievance of the petitioner is that though he has given a representation to the official respondents seeking to remove the construction put by the fifth respondent unauthorizedly in the subject land, the same has not been considered by the official respondents so far.

3. The third respondent has filed a counter affidavit, wherein in Paragraph No.5, he has stated as follows:

“5. I humbly submit that the 5th respondent has submitted the building plan approval for his residential house for the purpose of maintaining his farm in S.No. 849/1 and 849/2, in Patta No.2183. There is no agricultural land available nearby the 5th respondent farm house. It is utter false to state that after destroying the agricultural land, the building construction was commenced. In fact the 5th respondent applied for the water connection to his residential after completion of the construction. But the same was rejected by the 3rd respondent for the following reasons.



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- a. *The petitioner house is located 15 Meters high above from the ground level.*
- b. *The pipe line which connected to the 3 lakhs capacity tank are 8 castings.*
- c. *No pipeline connection laid for distribution of water nearby applicants house.*
- d. *The pipe line connection available away from the applicant house to the distance of 2 k.ms.*

6. *I humbly submit that the 5th respondent challenged the above said rejection order in W.P.(MD) No.20823 of 2016 and the same was disposed of with directions as the 5th respondent undertook to deposit the expenses of laying the pipeline which estimated 8 Lakhs and to get permission from the Highways Department. Subsequently, tender had been called for laying the pipe line to the 5th respondent farm house and auction was also conducted. And one successful bidder has commenced the work of laying the pipeline, after the amount deposited by the 5th respondent.*

7. ...

8. *I humbly submit that distance between water distributed pipeline point to the 5th respondent residence is 2.400 k.m. Now work of the laying the pipeline connection has been completed to the distance of 1.800*



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k.m and rest of the distance is to be laid is 600 meters only. Moreover, the time for distribution of the drinking water connection to the 5th respondent is ½ hour only and flow control valve would be fixed in the pipeline in order to distribute the water in stipulated quantity. So the respondent undertakes to the distribute drinking water to the public sufficiently and there is no possibility of scarcity drinking water to the public.

9.I humbly submit that in pursuant of the interim order passed by this Hon'ble Court on 31.08.2017 in W.M.P.(MD) No.13111 of 2017 in W.P.(MD) No.16454 of 2017. The work of laying the pipeline has been stopped unless the interim order vacated the pipeline connection which already laid to the distance of 1.800 k.m. would be deterriated."

4. Considering the facts and circumstances of the case and on perusal of the papers available on record, it is clear that there is no agricultural land available near the fifth respondent's farm house and he constructed a house in the subject land to maintain the farm house. The pipeline connection has been given to the fifth respondent's farm house only for drinking water purpose and not for any other purpose. Further, it is seen that pursuant to the directions issued by this Court in W.P.(MD) No.20823 of



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2016 filed by the fifth respondent challenging the order rejecting his request for providing drinking water connection, the work of laying pipeline has been commenced. However, subsequently, in view of the interim order granted by this Court in this writ petition, the laying of pipeline to the fifth respondent's farm house has been stopped. In such circumstances, the work of laying pipeline to the fifth respondent's farm house shall be commenced by the authority concerned after obtaining an undertaking from the fifth respondent stating that the water connection will be utilized only for the drinking water purpose and not for any other purpose. It is made clear that if any violation is noticed, the authority concerned shall take necessary action to disconnect the water connection forthwith.

5. With the above observations, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[K.K.R.K., J.]

18.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The Secretary,
Department of Local Administration,
State of Tamil Nadu,
Fort St.George, Chennai.

2.The District Collector
Dindigul District



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