

(2012) 09 KL CK 0087

In the High Court Of Kerala

Case No : Writ Petition (C) No's. 17813 and 17841 of 2012 (B)

Galaxy Developers and P.A. Jinas

APPELLANT

Vs

Asst. Executive Engineer, Kerala Water Authority, Kerala
Water Authority and State of Kerala

RESPONDENT

Date of Decision : 14-09-2012

Acts Referred:

Kerala Water Supply and Sewerage (Amendment) Act, 2008 — Section 38A

Citation : (2012) 09 KL CK 0087

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : T.U. Ziyad and Smt. Rameena P.K, for the Appellant; George Mathew, SC, Kerala Water Authority for R1 and R2 and Sri. Muhammed Shah, Government Pleader for R3, for the Respondent

Judgement

T.R. Ramachandran Nair, J.—Both these writ petitions are filed by the same petitioners. In W.P. (C) No. 17813/2012 the prayer sought is to direct the respondents to provide water connection to the petitioners in respect of Door No. X/420A11, Galaxy Greens, Kakkanad, Ernakulam and in W.P. (C) No. 17841/2012 also a similar direction has been sought for in respect of Door No. X/420-A20, Galaxy Greens, Kakkanad, Ernakulam. The averments in the writ petitions show that the petitioners have filed applications for water connection produced as Ext.P2 in both the writ petitions dated 09.06.2011 and aggrieved by the delay in the matter, these writ petitions have been filed.

2. Learned Standing Counsel for the Kerala Water Authority on getting written instructions submits that site verification and feasibility report were sought for and it was found that the site plan submitted by the petitioners is wrong due to the reason that in the plan it has been shown that the water connection is proposed to be taken from a 110mm PVC distribution main laid at Rajagiri Valley Road. But there is no such distribution main in that road. The pipe line existing in that road has diameter of 50mm only. As per the Kerala Water Supply and

Sewerage (Amendment) Act 2008, Section 38A, the water supply to multi storied building and flats having floor area above 1000m², shall not be made from a distribution line having diameter of 150mm or less. Since the existing street main line has only 50mm in diameter and the premises to which the connection is proposed to be taken is a multi storied flat having more than 10000 Sqr.meter floor area, the proposal was denied. It is also stated that the plumber namely, Sri. B. Gopalakrishnan engaged for the work by the petitioners was informed about the error in the site plan and the reason for not giving process in the application.

In the light of the above, the petitioners will have to take steps to provide a site plan showing the details of the main line from which they want water supply. On the petitioners fulfilling the above conditions and on production of the site plan, due inspection will be made and further steps will be taken in the matter. Appropriate actions will be finalised expeditiously.

These writ petitions are accordingly disposed of.