
(2026) 02 KL CK 1659
In the High Court Of Kerala
Case No : Writ Petition (C) No. 29085 Of 2025

Nevil John

APPELLANT

Vs

Kerala Water Authority Represented By Its Assistant
Executive Engineer Water Works Sub Division

RESPONDENT

Date of Decision : 04-02-2026

Acts Referred:

Kerala Water Supply and Sewerage Act, 1986 — Section 2(xva), 38(A)(2)
Kerala Water Authority (Water Supply) Regulations, 1991 — Regulation 4

Citation : (2026) 02 KL CK 1659

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : Dileep Varghese, Tesmy Vargheese, Justine Jacob, Georgie Johny-Kw

Final Decision : Disposed Of

Judgement

Bechu Kurian Thomas, J

1. The scope and meaning of the term 'multi storied building' as defined in Section 2(xva) of the Kerala Water Supply and Sewerage Act, 1986 (for brevity 'the Act'), arises for consideration in this writ petition.

2. The petitioner challenges Ext. P2 order issued by the 2nd respondent, whereby he was directed to establish a water pipeline termed as Contributory Street Main Extension (for short 'CSME') line, to obtain a water connection to his building. The petitioner also seeks for a direction to consider his application for the grant of domestic water connection to the first floor of his building.

3. The petitioner has constructed a two storied building in his property. Ext.P1 occupancy certificate was issued by the Kochi Corporation, wherein the nature of occupation is identified differently for each of the floors with 299.40 sq.m. at the ground floor, apart from 48.98 sq.m. as commercial, and 414.55 sq.m. in the first floor of the building as residential. Subsequent to the completion of construction, petitioner applied for grant of water connection under the domestic

category only for the first floor of the building. However, by Ext.P2 communication dated 29.07.2025, it was informed that the petitioner has to draw a water line at his expense, from Banerjee Road, about 500m away from petitioner's plot, where the CSME line has been laid. According to the respondents, water connection to a multi storied building can be provided only from a CSME line having a minimum diameter of 150 mm. Petitioner challenges the said direction, as such a line will have to be drawn for about 500 meters at his own expense.

4. A statement has been filed on behalf of respondents, pleading that petitioner's building falls under the category called 'multistoried building', as defined in Section 2(xva) the Act and, since the total plinth area of the building is 811.55 sq.m., the water connection to the said building can be provided only through a pipeline having minimum diameter of 150 mm. According to the respondents, the Water Authority will not refuse to grant water connection to the petitioner, provided he agrees to draw a CSME line from Banerji Road till his building, at his expense.

5. Sri. Dileep Varghese, the learned counsel for the petitioner submitted that petitioner's building does not fall in the category of a 'multistoried building' and since the water connection applied for, is solely for domestic purposes, that too, for the first floor of the building, under no circumstances can respondents insist on the petitioner laying a CSME Line.

6. Sri. Justine Jacob, the learned counsel for the respondents, on the other hand, submitted that as per Ext.P2 letter it was communicated to the petitioner, that since the building of the petitioner falls under the category of multistoried building, as per Section 38(A)(2) of the Act, a water connection can be provided only from a pipeline having a minimum diameter of 150 mm, laid along the road. Since no such pipeline exists in the area where the petitioner's building is situated, such a line would have to be drawn at petitioner's expense from the CSME line, passing through Banerji Road.

7. The question posed at the proem arises in view of the above rival contentions. While answering the above question, it is essential to peruse the definition of the term 'multistoried building', as defined in Section 2(xva) of the Act, which reads as follows:

"multistoried building" means buildings in a premise having five or more units or having a total plinth area of five hundred square meters or more used for non domestic activities with or without any dwelling unit."

8. The above definition has two limbs; the first being a building having five or more units while the second limb deals with buildings whose total plinth area is 500 sq.m. or more used for non-domestic purposes. No doubt, petitioner's building does not fall in the first limb. The second limb however will be attracted only if the non-domestic use has a total plinth area of 500 sq.m or more, with or without dwelling units. The definition extracted in the preceding paragraph is

explicit that, out of the total plinth area, in order to categorise a building as a multistoried building under the Act, the non domestic activity itself must be 500 sq.m or more whether it is with or without any dwelling unit.

9. In the instant case, though the total plinth area of the building exceeds 500 sq. m, the area used for non-domestic activities, as specified in Ext. P1 occupancy certificate is only 348.38 sq.m. ($299.40 + 48.98 = 348.38$). The non-domestic area of the petitioner's building being evidently less than 500 sq.m., it cannot be categorised as a multistoried building, as per the definition provided in the statute.

10. Though the learned counsel for the respondents submitted that the total plinth area of the building is more than 500 sq.m and hence it should be categorized as a multistoried building, I am afraid I cannot agree with the said contention. The submission that the petitioner could misuse the water connection granted as 'domestic' for the ground floor as well, is also not legally tenable as in such instances the respondents are always at liberty to detect such violations.

11. Each statute can provide definitions which may be contrary to the normal understanding. As far as legal interpretation is concerned, the court has to adopt an interpretation as provided in the definition clause of the statute. In the instant case, the definition was introduced by Act 8 of 2009, wherein specific requirement of non-domestic activity of 500 sq.m or more is mandated to categorise a building as multistoried building. Possibility of misuse cannot be a reason to interpret the statutory provision in a particular manner, contrary to what is explicit.

12. In view of the above discussions, I am satisfied that the petitioner's building does not fall in the category of multi storied building under Section 2(xva) of the Act. Since the petitioner's building cannot be categorised as multistoried building, Section 38(A)(2) of the Act has no application. Therefore, as per regulation 4 of the Kerala Water Authority (Water Supply) Regulations, 1991, the first floor of petitioner's building ought to be granted water connection as per the said provision.

13. In the result, Ext.P2 communication dated 29.07.2025 is hereby quashed. The respondents are directed to consider the application of the petitioner submitted for domestic water connection to the first floor building, as expeditiously as possible, at any rate, within an outer period of one month from the date of receipt of copy of this judgment.

The writ petition is disposed of as above.