
(2005) 10 NCDRC CK 0051

In the National Consumer Disputes Redressal Commission

T.R.SEKAR

APPELLANT

Vs

TOWN PANCHAYAT (EXECUTIVE OFFICER)

RESPONDENT

Date of Decision : 24-10-2005

Acts Referred:

Citation : 2006 1 CPJ 569 : 2006 2 CPR 54

Hon'ble Judges : K.Sampath , R.Vanaroja , PonGunasekaran J.

Final Decision : Appeal dismissed

Judgement

1. THE complainant in O.P. No. 70 of 2000 on the file of the District Forum, Chengalpattu, is the appellant in this appeal. His grievance was that he had applied for water tap connection before the first respondent to his building at Nos. 113, 114, Mettu Street, Thirukkazhukunram, that he had obtained due sanction and renovated his building, that he had paid deposit charges and also centage charges that in spite of his having complied with all the necessary formalities, water connection was not given to his building that the President of the Panchayat happens to be his relative and due to enmity between him and the complainant, the respondents with mala fide intention did not grant water connection and that, therefore, the present complaint came to be filed.

2. THE stand of the respondent/opposite parties is that the complainant had violated the sanctioned plan and only because of the said violation water tap connection was not given, that the complainant had not got regularized the violation committed by him and only as per the provision under Rule 131(1) of the Tamil Nadu District Municipalities Act, 1920 and Rule 180(3) of Tamil Nadu Urban Local Body Rules, 2000, water tap connection had not been given to the building which had been constructed illegally. On the side of the complainant Exs. A1 to A14 were marked and on the side of the opposite parties/respondents Exs. B1 to B6 were marked. There was no oral evidence let in.

The District Forum framed necessary points for consideration and found that the complainant had not stuck to the plan sanctioned by the Panchayat, that he had encroached upon the Government land and unless and until the additional

construction and encroachment of Government land by the complainant were regularized, there could not be water connection given to the complainant as per the provisions of the District Municipalities Act, that the complainant had violated the provisions of the Municipal Act and the Tamil Nadu Urban Local Body Rules, 2000. So holding, the District Forum dismissed the complaint with cost of Rs. 5,000 payable to each of the opposite parties.

3. IT is against that, the present appeal has been filed. The learned Counsel for the appellant submitted that the complainant/appellant had submitted application under the original of Ex. B6 dated 21.1.2000 enclosing all the particulars and documents for regularization that the applications filed for regularization were not returned and no order had been passed, that the respondent chose to harass the complainant kept returning the files under one pretext or the other and that by itself would show mala fides that the documents filed by the appellant/complainant would clearly show that he had complied with all formalities and in spite of that he was being driven from pillar to post.

4. PER contra, the learned Counsel for the respondent/opposite parties submitted that the mandatory rules under the Tamil Nadu Urban Body Rules, 2000, had not been complied with and the respondent were justified in refusing water connection to the complainant's building. The relevant rule runs as follows: "180. Application for water supply connections-(1) Every person, or, institution or any authority desires to have water supply connection for consumption may apply in Part I of Form 1 together with the fee and the deposit amount, as may be fixed by the Council. (2) Every application received under Sub-rule (1) shall be registered in a separate register maintained for this purpose in seriatim. (3) The Commissioner, subject to availability of water, and after obtaining the technical opinion of the municipal engineer, may issue permit in the order of seniority having regard to the date of the registration of the applications in Part II and Form 1 for supply of water subject to such terms and conditions, as may be specified in the said permit including the quantum and duration of water supply: Provided that no permit shall be granted unless the building has been constructed or modified or altered after obtaining the permission of the municipality." The requirement is a mandatory requirement. The very fact that the complainant had applied for regularization would mean that he had not put up the construction as per the sanctioned plan and that there was deviation. It was upto the complainant to have had the application for regularization disposed of in his favour to enable him to insist on the respondents giving water connection to his building. This the complainant has not done and even according to him, the regularization application is still pending decision. In these circumstances, the refusal on the part of the respondents/opposite parties in not giving tap connection cannot be found fault with. They were well within the four corners of the law in refusing tap connection to the complainant. In view of the discussing above, no exception can be taken to the decision reached by the District Forum. In the result, the appeal fails and the same is dismissed. No costs. Appeal dismissed.