

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**MONDAY, THE 29TH DAY OF FEBRUARY 2016/10TH PHALGUNA, 1937**

**WP(C).No. 3572 of 2016 (V)**  
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**PETITIONER(S):**  
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**SAJINA IBRAHIM,  
BUILDING NO.420-A9, GALAXY GREENS,  
RAJAGIRI VALLEY ROAD, CHITTETHUKARA, CSEZ P.O.,  
ERNAKULAM DISTRICT, PIN:682037.**

**BY ADVS.SRI.P.K.IBRAHIM  
SMT.K.P.AMBIKA  
SMT.A.A.SHIBI  
SRI.A.L.NAVANEETH KRISHNAN**

**RESPONDENT(S):**  
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**THE ASSISTANT ENGINEER,  
OFFICE OF THE ASSISTANT ENGINEER,  
WATER SUPPLY SECTION, KERALA WATER AUTHORITY,  
THRIKKAKARA, PIN:682030.**

**BY ADV. SRI.GEORGE MATHEW, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 29-02-2016, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1: TRUE COPY OF THE INTIMATION DATED 18.1.2016 GIVEN TO THE PETITIONER ON HER APPLICATION FOR WATER SUPPLY.**

**EXHIBIT P2: TRUE COPY OF THE APPLICATION ALONG WITH DETAILED SKETCHES/DRAWINGS PRESCRIBED IN THE APPENDIX A.**

**EXHIBIT P3: TRUE COPY OF THE JUDGMENT IN WPC.32496/2015 DATED 13/11/15**

**EXHIBIT P4: TRUE COPY OF THE TRANSFER OF OWNERSHIP OF THE APARTMENT AND OWNERSHIP CERTIFICATE DATED 24/3/14 BEARING DOOR NO.10/420-A11 BY THE PETITIONER TO KEVIN CHERIYAVILAYIL SAM.**

**EXHIBIT P5: TRUE COPY OF THE TRANSFER OF OWNERSHIP OF THE APARTMENT AND OWNERSHIP CERTIFICATE DATED 19/5/14 BEARING DOOR NO.10/420-A20 BY THE PETITIONER TO JANESH K.V.**

**RESPONDENT(S)' EXHIBITS**  
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**EXHIBIT R1(A): TRUE COPY OF JUDGMENT DTD.14/9/12 IN WPC.17813/12.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A. MUHAMED MUSTAQUE, J.**

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W.P.(C). No.3572 of 2016

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Dated this the 29<sup>th</sup> day of February, 2016

**JUDGMENT**

This writ petition has been filed by the petitioner who owns an apartment in Galaxy Greens bearing door No.420-A9 situate in Ward No.10 of Thrikkakara Municipality. The builder fails to apply water supply connection in terms of regulation 7(g) of the Kerala Water Authority (Water Supply) Regulations, 1991 (hereinafter referred to as 'the Regulations' for short). Therefore, petitioner applied for separate connection in terms of regulation 7 (d) of the Regulations. The Water Authority refused to consider the application separately, in view of the fact that the builder has to make application in terms of regulation 7(g) of the Regulations.

2. It is appropriate to refer Regulations 7(d) and & 7(g) which are as follows:

"7.(d) Separate house connections may be provided to buildings situated in the same premises but bearing separate house numbers.

(g) House connections using connection pipes of size exceeding 25 mm diameter shall ordinarily be allowed only in

respect of premises where water demand is estimated to be high such as in residential complexes, flat type of residential buildings or premises where bulk consumption of water is expected and where the service pipe is proposed to be connected directly to a storage tank facilitating a free discharge of water to it. In such cases where connections are to be given directly to storage reservoirs the provisions contained in Appendix 'C' to these Regulations shall apply."

3. No doubt, if a person wants to have separate connection apart from the connection to the whole apartment, he/she is free to do so in terms of Regulation 7(d) of the Regulations, if otherwise feasible in the building. Merely because of the failure on the part of the apartment builder to make an application under Regulation 7(g) of the Regulations, cannot result in non consideration of application being made by the unit holder separately, for individual connection in the premises. The stand of the Water Authority that, independent apartment owner has no right to apply independently under Regulation 7(d) of the Regulations is against the spirit of said Regulation. It is to be noted that petitioner is seeking only separate connection to individual apartment owned by her and not a connection common to all who are occupying the larger apartments.

4. In such circumstances this court is of the view that, if the petitioner is otherwise eligible to have separate connection to her apartment, necessarily the Water Authority is bound to give connect in terms of Regulation 7(d) of the Regulations.

Accordingly, the writ petition is allowed, directing the respondents to consider the application in the light of the discussion as above. Needful shall be done within one month from the date of receipt of a copy of this judgment.

sd/  
**A. MUHAMED MUSTAQUE,**  
**JUDGE.**