

**IN THE COURT OF THE MUNSIFF, ATTINGAL
PRESENT: SMT. SWATHI.R.KRISHNAN, MUNSIFF
SATURDAY 3rd JANUARY, 2026 / 13th POUSHA, 1947**

IA 04/2025 IN OS.162/2015 AND OS 519/2016

IA 04/2025 IN OS.162/2015

Between Petitioner/Plaintiff:

Beena Kumari, W/o Madhavankutty, Mangattumoola, Palace Road, Attingal
Village

By Advocate: Sri.S.Lenin

And Counter Petitioner/Defendant:

Kumari Amma, W/o Rajendran, Avittom, Mangattumoola, Palace Road, Attingal
Village

By Advocate: Sri.A.S.Naushad

IA 04/2025 IN OS 519/2016

Between Petitioner/Defendant:

Kumari Amma, W/o Rajendran, Avittom, Mangattumoola, Palace Road, Attingal
Village

By Advocate: Sri.A.S.Naushad

And Counter Petitioner/Defendant:

Beena Kumari, W/o Madhavankutty, Mangattumoola, Palace Road, Attingal
Village

By Advocate: Sri.S.Lenin

These petition are having been finally heard on 03.01.2026 and the court on same day passed the following:

ORDER

The petition is filed by the plaintiff to direct the authorities to draw pipelines to plant A schedule property for water connection through plant D schedule property.

2. **The petition averments in brief are as follows:** The petitioner is the plaintiff in the suit. The suit is for fixation of boundary and for declaration of easement by grant. This court granted an order of temporary injunction restraining

the defendants from obstructing the plaint D schedule pathway. In O.S.519/2016 also there is an order of injunction. Electric lines are already passing through the aforesaid pathway portion. The authorities visited the plaint D schedule pathway to provide pipeline connection as part of Amritham project, whereas the defendants obstructed the same stating that the case is pending. The plaintiff is not able to use the water in the well since it is found unsuitable and it is highly necessary to take water connection from water authority so as to meet the daily water requirements. The plaintiff filed applications before Attingal Municipality, RDO, Chief Minister, MLA and water authority whereas the plaintiff was not able to get water connection due to the existence of this case. Hence this petition to direct the authorities to provide water connection to the plaintiff through the plaint D schedule pathway.

3. **The defendant filed objection contending as follows:** The petition is not maintainable either in law or on facts. It is the shortcut attempt to establish a claim without adjudicating the merits of the case with the intention to defeat the defendants. There is no foundational pleadings in the plaint to justify the present petition. It is not clear in whose favour the relief is to be granted and no specific relief is sought against the defendant. The relief can only be sought before a forum having constitutional or supervisory jurisdiction. The plaint D schedule description is vague and ambiguous and the plaintiff has no right or locus standi to use any portion of the property belonging to the defendant. The case of the defendant is that there is no D schedule pathway. In view of this denial, the question as to whether the plaintiff has any enforceable right can only be adjudicated after the full fledged trial. The documents produced by the plaintiff are fabricated. The quality of water can

only be proved through cogent evidence. There are other feasible methods to draw a pipeline without using defendant's property. The petition is premature and not maintainable for this court. Hence the petition may be dismissed with costs.

4. The following points arose for consideration:

1. Can the petition be allowed ?

2. Order and costs ?

5. From the side of plaintiff, Exts.A1 to A3 were marked.

6. Heard the learned counsel for plaintiff and defendant and perused the records.

7. **Point No.(1):** This petition is filed by the plaintiff to direct the authorities to draw pipeline through the plaint D schedule pathway to plaint A schedule property. The plaintiff contended that the water in the well is of poor quality and not suitable for use. Hence plaintiff is of utmost need of a pipeline connection from the water authority department whereas the authorities are not willing to draw the pipeline due to the obstruction caused by the defendants stating the existence of these suits.

8. The defendants objected to the petition contending that there are no fundamental pleadings in the plaint for the relief sought for in this petition and this court cannot grant this relief. It was also contended that the relief sought for can only be granted by a higher forum having constitutional jurisdiction.

9. The relief sought for by the plaintiff is to direct the authorities and to provide water pipeline facility to plaint A schedule property. The plaintiff produced the test report dated 05.11.2025 as Ext.A1 and the copy of complaint filed before

RDO as Ext.A2. Ext.A3 is the complaint filed before village officer, Avanavancherry. Relying upon the aforesaid documents, the plaintiff contended that the water in the well is unsuitable for domestic purpose and the intervention of this court is highly necessary to provide basic amenity to the plaintiff. The learned counsel for defendant contended that the sanctity of the documents produced shall be established through evidence. It was also contended that the defendant disputes the existence of plaint D schedule pathway and in light of such defence put forth by the defendant, drawing pipeline through the same disputed portion amounts to bypassing the adjudication in the original suit and the same will cause serious prejudice to the defendant. The learned counsel for defendant contended that this is an abuse of process of court and the plaintiff shall not be permitted to bypass the adjudication through filing this petition. The learned counsel for plaintiff whereas contended that the plaintiff was forced to file this petition in view of lack of basic amenity, that is drinking water and it is affecting the daily life of plaintiff.

10. As rightly suggested by the learned counsel for defendant, this court does not have jurisdiction to direct authorities to draw pipeline through the disputed portion. In order to get an interim relief, the party is bound to state the necessity of the same and granting an interim relief should not be identical to final adjudication in the suit. The court is only bound to intervene so as to preserve the disputed property and such interim measures should not camouflage final relief in the suit. Since the defendant disputed the existence of plaint D schedule pathway, allowing plaintiff to draw pipeline through the same portion will cause serious prejudice to the defendant. This court does not have sufficient material before it to conclude that

water pipeline can only drawn through plaint D schedule pathway. In absence of such conclusive evidence, it is not proper to grant the interim relief sought for. The existence of pathway and any alternative suitable route for pipeline cannot be termed as questions that can be determined in this stage. The adjudication of rights and liabilities of the parties requires evidence and it can only be adjudicated at the finality of the suit. Hence this court is of the view that the relief sought for by the plaintiff is not maintainable and hence cannot be allowed.

11. **Point No.(2):** In view of the discussion above, this petition is dismissed.

Considering the facts and circumstances of the case, there is no order as to costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 03rd day of January, 2026.

Sd/-
SWATHI. R. KRISHNAN
MUNSIFF

Appendix:

Exhibits marked for the Petitioner (Plaintiff):

A1	05.11.2025	Test report
A2	--	Copy of complaint filed before RDO
A3	--	Copy of Complaint filed before Village Officer

Exhibits marked for the Counter Petitioner (Defendant): Nil

Court Exhibits: Nil

Witness Examined for both sides: Nil

Id/-
MUNSIFF

Typed by: Shilpa K S
Compared by: Sheena K