

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No.223 of 2015 and M.P. No.1 of 2015 against W.P.No.32728 of 2012

Chennai Metropolitan Water Supply and
Sewerage Board
represented by its Managing Director
No.1, Pumping Station Road
Chennai - 600 002

... Appellant/1st Respondent

vs.

1. Amnol Housing Corporation
represented by K. Rajendran
2. Area Engineer, Area XIII
Chennai Metropolitan Water Supply
and Sewerage Board
No.42, I Main Road
Indira Nagar
Chennai 600 020
3. Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008

... Respondents/Petitioner/Respondent 2 & 3

Writ Appeal filed under Clause 15 of the Letters Patent as
against the order dated 11.02.2013 passed in W.P. No.32728 of 2012.

W.P.No.32728 of 2012:

This Writ Petition filed under Article 226 of the Constitution
of India praying for the issuance of a writ of mandamus to direct the
respondents 1 and 2 herein to receive and consider the application of

the petitioner and provide water and drainage connection to the building put up by the petitioner at Old S.No. 714 (part) T.S.No.29 30 31 40 and 41 of Block No.23 Velachery Village Chennai 42 without insisting upon completion certificate/No objection certificate from the Third respondent.

For appellant : Mr. V. Perumal

For R1 : Mr. R. Mohan

For R2 : No appearance

For R3 : Mr. N. Sampath
Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, j.)

The instant intra-Court appeal arises from the order dated 11.02.2013 passed in W.P. No.32728 of 2012, wherein, the learned Single Judge has directed the appellant/first respondent therein, viz., Chennai Metropolitan Water Supply and Sewerage Board (for short "the CMWSSB") to grant water and drainage connection to 72 dwelling units, identified by the first respondent/writ petitioner, within a period of four weeks from the date of receipt of a copy of the order.

2. In the instant appeal, the CMWSSB has questioned the legality and validity of the order passed by the learned Single Judge on several grounds. During the pendency of the appeal, the Chennai Metropolitan Development Authority, the third respondent herein, has filed a report dated 26.02.2015, stating that the third respondent herein has granted permission for entire 80 dwelling units. The relevant paragraph of the said report reads thus:

"3. I further submit that after getting approval for 72 dwelling units earlier, the first respondent has given revised plan for constructing additional 8 dwelling units, availing premium FSI benefit comprising Stilt Floor + 4 Floors residential building with 80 dwelling units. The same was approved by CMDA vide CMDA approval in B/Spl.Bldg./250A to D/2014 in letter No.B1/1800/2013 dated 17.11.2014. Therefore, the applicant finally obtained planning permission for 80 dwelling units."

3. In that view of the matter, nothing remains for adjudication in this writ appeal. However, we make it clear that the first respondent/writ petitioner has to obtain No Objection Certificate from the respondent-bodies on the basis of this approval, after obtaining completion certificate from the authorities for the purpose of grant of electricity as well as drainage connection to all the 80 dwelling units, in accordance with law and on merits.

4. The writ appeal stands disposed of with the above observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Asst. Registrar

/true copy/

CAD

Sub Asst. Registrar.

To

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Chennai 600 008

+1cc to Mr.N.Sampath, Advocate, S.R.No.12233

+1cc to Mr.R.Mohan, Advocate, S.R.No.11929

+1cc to Mr.V.Perumal, Advocate, S.R.No.11823

RJ(CO)

CA(11/03/2015)

W.A. No.223 of 2015