

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 24255 of 2015

N. Pattabiraman

...Petitioner

Vs.

1. The Chairman,
Chennai Metro Water and Sewerage board,
Chennai - 600 002.
2. The Assistant Engineer (X Zone),
Chennai Metro Water and Sewerage Board,
No.9, Muthukrishnan Street,
Chennai - 17.
3. The Accounts Officer (IX Zone),
Chennai Metro Water and Sewerage Board,
No.9, Muthukrishnan Street,
Chennai - 17.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st and 2nd respondents to restore the water supply to the residence of the petitioner at New No. 96/2, Old No. 6/2, Alandur Road, Saidapet, Chennai - 600 015.

For Petitioner : Mr.L.J. Krishnamurthy

For Respondents : Mr.Jothikumar

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 1st and 2nd respondents to restore the water supply to the residence of the petitioner at New No. 96/2, Old No. 6/2, Alandur Road, Saidapet, Chennai - 600 015.

2. The case of the petitioner is that he is the absolute owner of the premises bearing Door No. 96/2, Old No. 6/2, Alandur Road, Saidapet, Chennai -15, which was acquired by him by virtue of a partition deed between him, his brother and his father. The property allotted to the petitioner was having water supply and sewerage connection. But during 2003, the water supply got disconnected. Though several representations were made by the petitioner to the respondent, no action was taken. Moreover, on 06.03.2006, a cut-off notice was issued in respect of the sewerage connections. Therefore, the petitioner filed W.P. No. 7538 of 2006 and an order of interim injunction was granted by this Court on condition that the petitioner shall pay the entire arrears of tax and water charges for the first half of 2005-2006 within a period of four weeks from the date of the order. Accordingly, the petitioner complied with the said order. In spite of the payment of the above, the water supply connection was not restored. Subsequently, the petitioner sent a legal notice on 15.12.2006 referring the interim order obtained in W.P. No. 7538 of 2006. But, even then, the respondents failed to restore the supply. Therefore, the petitioner filed another writ petition in W.P. No. 5267 of 2007 for issue of a Writ of Mandamus directing the respondent to give service connection for water supply to the petitioner's residence at Door Old No. 6/2, New No. 96/2, Alandur Road, Saidapet, Chennai - 15 and the writ petition was disposed of on 22.02.2007 on the following terms:

"a. The petitioner shall submit an application for water connection in the prescribed format enclosing necessary documents and the necessary fee within a week from the date of receipt of a copy of this order;

b. Within two weeks of the receipt of the application from the petitioner, respondents 2 and 3 shall process the same and take a decision and communicate the same to the petitioner. If the respondents point out any requirements, the petitioner shall comply with the same and upon the petitioner complying with all the requirements, the respondents shall give water connection to the premises of the petitioner."

Thereafter, the petitioner approached the respondents to furnish the appropriate format application for restoration of water supply. In spite of repeated reminders, the format was not furnished to the petitioner. According to the petitioner, till date, though he has been paying the water charges and sewerage charges regularly without any default, the water supply has not been restored by the respondents and the format has also not been furnished. Hence, the petitioner is before this Court with the aforesaid prayer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. Having regard to the submission made by the learned counsel for the respondents that the petitioner has to pay a sum of Rs.7500/- towards arrears, which amount, the petitioner is ready and willing to pay, the writ petition is disposed of directing the petitioner to approach the 2nd respondent forthwith and the 2nd respondent shall furnish the prescribed format to the petitioner on or before 4th September, 2015; on receipt of the application format, the petitioner shall pay the aforesaid amount of Rs.7500/- and submit the application by 8th September, 2015 and thereafter, the 2nd respondent shall restore the water connection to the petitioner's premises by 10th September, 2015. No costs.

4. Call the matter for reporting compliance on 11th September, 2015.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Chairman,
Chennai Metro Water and Sewerage board,
Chennai - 600 002.
2. The Assistant Engineer (X Zone),
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Copy to

The Section Officer,
Writ Section, High Court,
Madras (For posting the case on 11.09.2015)

1 CC to Mr.L.J. Krishnamurthy, Advocate SR.No. 46548

W.P. No. 24255 of 2015

BVR (CO)
PSI (09.09.2015)



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