

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.25108 of 2015

S.S.Anthony Joseph

... Petitioner

vs.

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

2.The Superintending Engineer (south)
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chindaripet,
Chennai - 600 002.

3.The Area Engineer,
Chennai Metropolitan Water Supply
and Sewerage Board,
Area 10, No.9, Muthukrishnan Street,
T. Nagar, Chennai - 600 017.

4.Chennai Metropolitan Development Authority
rep.by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

... Respondents

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to consider and pass orders on the application dated 23.06.2015 for effecting water supply and sewerage connection to the petitioner's building consisting of stilt + 2 floor at Door No.14, Old No.52, 86th street, 1st Avenue, Ashok Nagar, Chennai - 600 083 expeditiously in accordance with law more particularly without insisting on production of completion certificate / no objection certificate from the 4th respondent.

For Petitioner : Mr.E.Martin Jeya Kumar
For Respondents : Mr.Jothikumar for R1 to R3
Mr.P.Tamilmani for R4

ORDER

The petitioner contends that he is the owner of the property bearing Door No.14, Old No.52, 86th street, 1st Avenue, Ashok Nagar, Chennai - 600 083 and he obtained plan approval and sanction for construction of stilt + 4 floors from the 4th respondent. However, the petitioner completed only stilt + 2 floors and does not want to proceed with the construction of 3rd & 4th floors. In this regard, the petitioner has given revised plan seeking restriction of the approved plan only for stilt + 2 floors and submitted application on 29.05.2015 and the same is pending.

2. Meanwhile, the petitioner has been trying to get sewerage and metro water supply connection to the said building, however, the respondents 1 to 3 have not effected water supply to the petitioner's building. Therefore, the petitioner is before this Court.

3. Heard Mr.Martin Jeya Kumar, learned counsel for the petitioner, Mr.Jothikumar, learned counsel for the respondents 1 to 3 and Mr.P.Tamilmani, learned counsel for the 4th respondent.

4. As long as the petitioner has not completed the construction of building and not produced the completion certificate or No Objection Certificate from the 4th respondent, he cannot expect the respondents 1 to 3 to provide sewerage and metro water supply connection and therefore, the relief sought for by the petitioner in this writ petition cannot be granted. Neither the petitioner nor the purchasers can occupy the premises or get the sewerage and metro water supply connection to the building.

5. Taking into consideration of the fact that the petitioner intends to restrict the construction of the building for stilt + 2 floors and he has submitted application dated 29.05.2015 for revised plan approval to the 4th respondent, the fourth respondent is directed to inspect the premises and consider the petitioner's application for revised plan, as per law, within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that only if the petitioner gets a positive reply from the respondents, he can get the sewerage and metro water supply connection.

6. The writ petition is disposed of with above direction.
No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

rgr

To

1.The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chindaripet,
Chennai - 600 002.

2.The Superintending Engineer (south)
Chennai Metropolitan Water Supply
and Sewerage Board,
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4.The Member Secretary,
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

1 cc to Mr.E.Martin Jeya Kumar, Advocate Sr.No.44407

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pmk.28.8.2015

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