

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.19901 of 2014

and

M.P.Nos.1 & 2 of 2014

S.Jayalakshmi

... Petitioner

Vs

1. The Managing Director
Chennai Metro Water Supply and Sewerage Board
No.1 Pumping Station Road
Chinthadripet Chennai
2. The Area Engineer
Area-IX Chennai Metro Water Supply and Sewerage Board
No.1. Dr.Ranga Road
Abiramapuram Chennai-18
3. The Inspector of Police
E-3 Police Station Teynampet Chennai-6
4. Arjunan Ravikumar

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari and Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings No. Sae. Ku.Va/Area 9/Spl/2014 dated 29.4.2014 and quash the same and consequently direct the respondents 1 and 2 to restore the water supply service connection to the petitioners flat situated at Flat bearing No.5 in the second floor of the premises bearing Door No.2 3rd Main Road Seethamma Colony Old No.162 TTK Road Alwarpet Chennai-18.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Jothikumar (R1-2)
Mr.R.Vijayakumar, AGP (R3)
No appearance for R4

ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.M.Jyothikumar, learned counsel for the 1st and 2nd respondents and Mr.R.Vijayakumar, learned Additional Government Pleader for the 3rd respondent.

2. Though the 4th respondent has entered appearance through counsel, none appears for the 4th respondent.

3. The petitioner has filed this writ petition to quash the order passed by the 2nd respondent dated 29.04.2014. By the said proceedings, the petitioner has been informed that the water connection which has been given to the premises could be enjoyed by all the persons in the apartment complex, since the connection has been given in respect of the property which has not been sub-divided and each person has only an undivided share in the land.

4. It is not disputed by the respondent Board that except the petitioner, no other person has applied for water supply connection for his flat. The petitioner filed an application and his application was rejected by order dated 21.8.1996. The petitioner challenged the said order by filing W.P.No.12051 of 1996. One of the main ground on which the said order was challenged is by contending that for more than six years, water connection was there and all of a sudden, without affording an opportunity, the respondent Board has disconnected the water supply. This Court, after considering the matter, by order dated 18.09.1996 allowed the writ petition, set aside the order dated 21.08.1996 and directed the respondent to effect water supply connection No.MMC 0589/06/4 in Flat No.5, Door No.162, T.T.K.Road, Chennai 18, within a period of one week from the date of receipt of a copy of that order. Pursuant thereto, the connection has been restored. Subsequently, at the instance of the 4th respondent, it appears that the 2nd respondent stated that all the persons in the complex are entitled to draw water from the same line, which connection in fact was obtained by the petitioner, that too, after approaching this Court and filing a writ petition, in which the petitioner succeeded. The petitioner would state that respondents 1 and 2 have illegally diverted the water by putting up a "T" type pipe with a view to give water connection to the other residence including the 4th respondent. The petitioner has approached the City Civil Court and filed a suit against the 4th

respondent in O.S.No.3005 of 2014 and has obtained an order of injunction against the 4th respondent in I.A.No.8490 of 2014 from in any manner tampering the petitioner's underground metro water pipeline or diverting the water to her sump. The petitioner has also lodged a complaint to respondents 1 and 2 and in response to that complaint, the impugned communication has been sent.

5. Firstly, it has to be noted that the connection which was directed to be restored pursuant to the order passed by this Court in W.P.No.12051 of 1996 stood in the name of the petitioner. Therefore, it is the exclusive connection of the petitioner and she alone is entitled to draw water through the said connection. Though the petitioner may be residing in a flat, forming part of the apartment complex consisting of other flats, the service connection which was directed to be restored in the earlier order passed by this Court is with regard to the petitioner's service connection.

6. Admittedly, the respondent Board has not granted service connection in the name of the association or in the name of all the flat owners. Further more, there is nothing to show that proportionate charges and taxes have been collected from each of the apartment owners, whereas the entire amount is being paid by the petitioner.

7. The petitioner filed an application under the Right to Information Act on 21.05.2014 and sought for information from respondents 1 and 2 as to whether any water supply connection was given to the 4th respondent with regard to flat No.3. The reply given on 23.05.2014 states that no individual water connection has been given in the name of the 4th respondent residing in Flat No.3. Thus, it is evident that the officials of the Board are acting in tandem with the 4th respondent with a view to provide water connection to him and the action of the 2nd respondent in doing so and putting a "T" type pipe in the pipeline, which is the exclusive pipeline of the petitioner is an illegal action.

8. Accordingly, the writ petition is allowed and the communication dated 29.04.2014 is quashed. The 2nd respondent is directed to immediately remove the "T" type pipeline which has been put in the petitioner's water pipeline and restore the connection exclusively to the petitioner. The above direction shall be complied with, within a period of two weeks from the date of receipt of a copy

of this order. It is made clear that it is open to the other residents of the apartment complex to apply for fresh connection in their names, if they are so advised.

No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Chinthadripet Chennai
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Area-IX Chennai Metro Water Supply and Sewerage Board
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Abiramapuram Chennai-18
3. The Inspector of Police
E-3 Police Station Teynampet Chennai-6

+1cc to Mr.C.Prakasam, Advocate, S.R.No.12390
+1cc to the Government Pleader, S.R.No.12343

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