

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.36227 of 2015

K.Kumutha

.. Petitioner

Vs.

1.The Director

Chennai Metropolitan Water Supply
and Sewerage Board, No.1,
Pumping Station Road
Chintadripet, Chennai 600 002.

2.The Zonal Officer, Area XIV

No.1, Rajiv Gandhi Road, [OMR]
Near SRP Tools, Kottivakkam,
Chennai 600 041.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to give water connection through the 2nd respondent or through any of his subordinate office like Velachery Metropolitan Water Supply and Sewerage Board which is near to the jurisdiction of the petitioner.

For Petitioner : M/s.Bright Law and associates

For Respondents: Mr.M.Jothikumar

ORDER

Heard the learned counsel for the petitioner and Mr.M.Jothikumar, learned Standing counsel accepting notice on behalf of the respondents and with their consent, the writ petition is taken up for final disposal.

2 The petitioner has filed this writ petition praying for a direction to the respondent/Board to give water connection to the petitioner's property. It appears that the petitioner, not only canvasses her case, but the case of the other residents of Ward No.168 and 169. The petitioner stated to be the resident of the said area which falls within the jurisdiction of the 2nd respondent, viz., Area No.XIV, Division No.168 and she is stated to be paying water tax and sewerage tax in the name of

her father. The petitioner is said to have approached the authorities concerned and since no action has been initiated, the petitioner is before this Court.

3 From the typed set of papers, it is seen that the petitioner's father Mr.Kathirvel, has been assessed to water and sewerage tax and the tax has been remitted for the first and second half year of 2014 and the first half year of 2015. Copies of the remittance, viz., Challan, has also been filed in the typed set of papers. It is seen that the petitioner has not given any representation by herself, but has chosen to issue lawyer's notice to the respondents on 08.10.2015, which is said to have been acknowledged by the respondents on 13.10.2015 as per the Postal Acknowledgment card. It is settled legal position that mere payment of tax will not automatically entitle the petitioner for water supply as there can be no quid pro quo in respect of the demand and collection of tax. Be that as it may, the petitioner seeks for the basic amenity, viz., the water and sewerage connection and therefore, the respondents are required to be directed to consider the petitioner's request.

4 Though the petitioner has pleaded the case of her neighbours as well in this writ petition, the relief is confined only to the petitioner. Accordingly, the writ petition is disposed of by directing the 2nd respondent to consider the petitioner's representation which has been sent through her lawyer on 08.10.2015 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

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

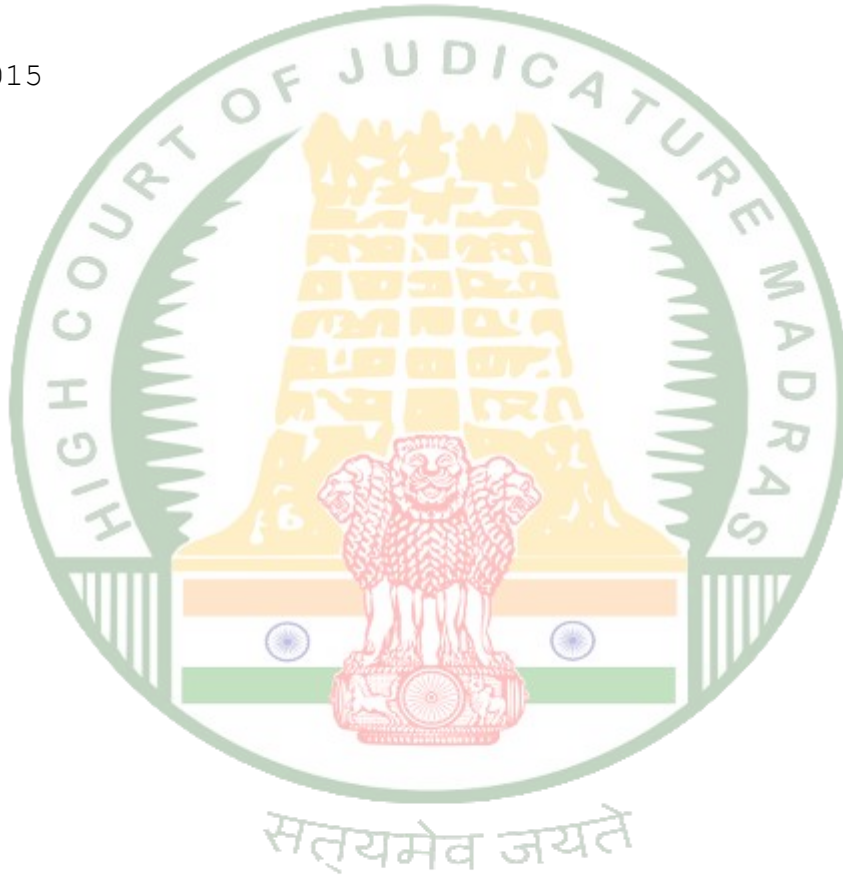
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2.The Zonal Officer, Area XIV
No.1, Rajiv Gandhi Road, [OMR]
Near SRP Tools, Kottivakkam,
Chennai 600 041.

+1 cc to M/S.Bright Sun Law Associates sr.61978

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