

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.5630 of 2015

E.Veeramuthu

... Petitioner

Vs

1. Chennai Metropolitan Water Supply and Sewage Board Rep. by its Managing Director No.1 Pumping Station Road Chindaripet Chennai-2.
2. Chennai Metropolitan Water Supply and Sewage Board Rep. by its Area Engineer New Area.13 New Division.176 Indira Nagar 1st Main Road Adyar Chennai- 20.
3. Chennai Metropolitan Development Authority Rep. by Member Secretary No.1 Gandhi Irwin Road Egmore Chennai-8.
4. The Commissioner Corporation of Chennai Rippon Building Chennai.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st and 2nd respondents to receive process and consider and accord water and sewerage service connections to the premises at New No.2 Old No.1 Thiruvalluvar Nagar 1st Cross Street Besant Nagar Chennai-90 in accordance with law and without insisting on Production of Completion Certificate/No Objection Certificate from the 3rd respondent.

For Petitioner : Mr.E.Martin Jeyakumar
For Respondents : Mr.M.Jothikumar (R1&2)
Mr.M.Karthikeyan (R3)
Mr.P.V.Selvakumar (R4)

ORDER

Heard Mr.E.Martin Jeyakumar, learned counsel for the petitioner, Mr.M.Jothikumar, learned counsel for the 1st and 2nd respondents, Mr.M.Karthikeyan, learned counsel for the 3rd respondent and Mr.P.Selvakumar, learned counsel for the 4th respondent.

2. With the consent of the learned counsel on either side, the writ petition is taken up for disposal.

3. The petitioner seeks for a mandamus directing the 1st and 2nd respondents to receive process and consider and accord water and sewerage service connections to the premises at New No.2, Old No.1, Thiruvalluvar Nagar, 1st Cross Street, Besant Nagar, Chennai-90 in accordance with law and without insisting on Production of Completion Certificate/No Objection Certificate from the 3rd respondent.

4. This Court in similar circumstances in W.P.No.25562 of 2011 by order dated 11.04.2012, by following the earlier orders passed, has given direction as follows:-

"7.In view of the averments made on behalf of the petitioner, and in view of the number of earlier orders passed by this Court, including the order, dated 27.03.2012, made in W.P.No.3384 of 2012, this Court finds it appropriate to direct the 1st and 2nd respondents to consider the request made by the petitioner, for the grant of water and sewerage connections, in respect of the premises in question, on the petitioner complying with the necessary requirements, as prescribed by the relevant provisions of law. On such compliance by the petitioner, the 1st and the 2nd respondents shall consider the request made by the petitioner and pass appropriate orders thereon, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this

order. However, it is made clear that, even if the water and sewerage connections are granted by the 1st and the 2nd respondents, as prayed for by the petitioner, it would not amount to the recognition of approval of the unauthorised construction, said to have been put up by the petitioner, in the premises in question.

The writ petition is ordered accordingly. No costs."

5. In the light of the above order, following the same, there will be a direction to the the 1st and 2nd respondents to consider the request made by the petitioner, for the grant of water and sewerage connections, in respect of the premises in question, on the petitioner complying with the necessary requirements, as prescribed by the relevant provisions of law. On such compliance by the petitioner, the 1st and the 2nd respondents shall consider the request made by the petitioner and pass appropriate orders thereon, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that, even if the water and sewerage connections are granted by the 1st and the 2nd respondents, as prayed for by the petitioner, it would not amount to the recognition of approval of the unauthorised construction, said to have been put up by the petitioner, in the premises in question.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

rg

Sub Assistant Registrar

To

1. Managing Director
Chennai Metropolitan Water
Supply and Sewage Board Rep. by its
No.1 Pumping Station
Road Chindaripet Chennai-2.

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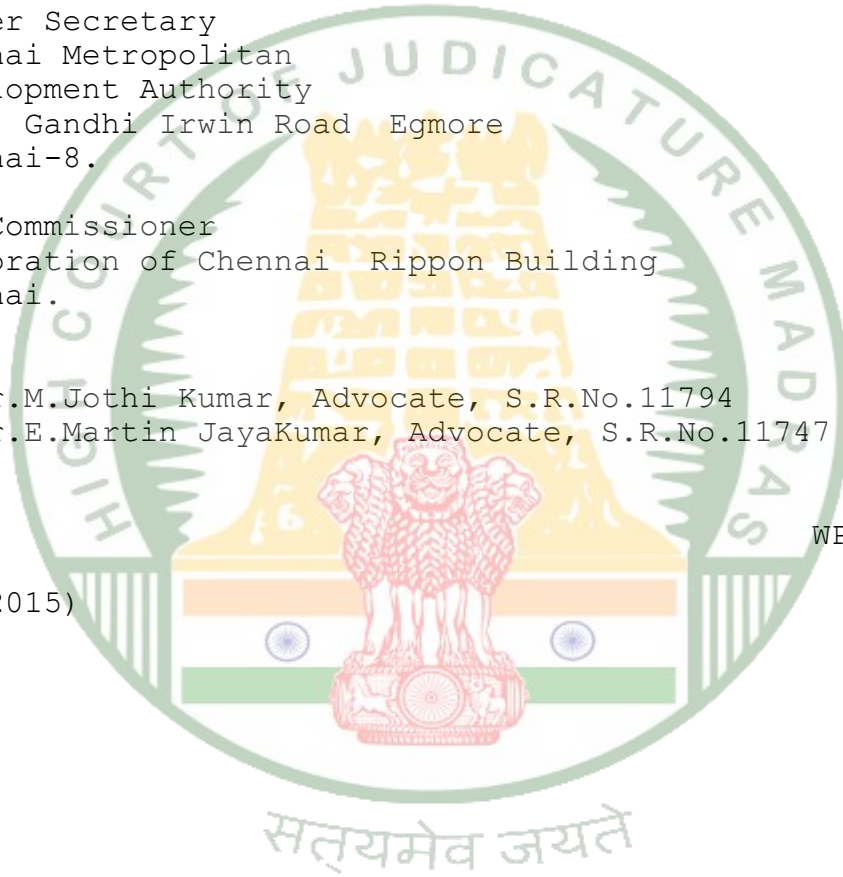
2. Area Engineer,
Chennai Metropolitan Water
Supply and Sewage Board
New Area.13 New Division.176
Indira Nagar 1st Main Road Adyar
Chennai- 20.
3. Member Secretary
Chennai Metropolitan
Development Authority
No.1 Gandhi Irwin Road Egmore
Chennai-8.
4. The Commissioner
Corporation of Chennai Rippon Building
Chennai.

+1cc to Mr.M.Jothi Kumar, Advocate, S.R.No.11794

+1cc to Mr.E.Martin JayaKumar, Advocate, S.R.No.11747

SV(CO)
CA(16/03/2015)

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