

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.8573 of 2015

P.Karl Marx

... Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
2. The Zonal Officer,
Corporation of Chennai,
(Zone VII),
Presently Zone IX,
Lake Area,
Nungambakkam, Chennai-600 034.
3. The Chennai Metropolitan Water Supply
and Sewerage Board,
rep. by the Managing Director,
No.1, Pumping Station Road,
Anna Salai,
Chennai-600 002.
4. The Area Engineer,
Chennai Metropolitan Water Supply
and Sewerage Board,
Area IX, Greams Road,
Thousand Lights,
Chennai-600 006.
5. M.P.Aravinda

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue Writ of Mandamus directing the respondents 3 and 4 to consider and dispose of the petitioner's representation dated 05.12.2013 seeking to disconnect the unauthorised/illegla water supply and sewerage connection effected to the 5th respondent in respect of the property of 380 sq. ft. of unauthorised construction at Old No.8, New No.15, Gulam Abbas Ali Khan 9th street (New street), Thousand Lights, Chennai-600 006.

For Petitioner : Mr.P.Karl Marx
Party-in-person

For Respondents : Mr.P.V.Selvakumar for R1&R2
Mr.M.Jothikumar for R3&R4

ORDER

Heard Mr.P.Karl Marx, Party-in-person and Mr.P.V.Selvakumar, learned counsel appearing for the respondents 1 and 2 and Mr.M.Jothikumar, learned counsel appearing for the respondents 3 and 4.

2. The petitioner/Party-in-person has sought for the following the relief:-

"For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may graciously be pleased to issue a writ of mandamus or any other appropriate writ or order or direction in the nature of mandamus directing the respondents 3 and 4 to consider and dispose of the petitioner's representation dated 05.12.2013 seeking to disconnect the unauthorised/illegla water supply and sewerage connection effected to the 5th respondent in respect of the property of 380 sq. ft. of unauthorised construction at Old No.8, New No.15, Gulam Abbas Ali Khan 9th street (New street), Thousand Lights, Chennai-600 006 and thus render justice".

3. According to the petitioner, the fifth respondent has illegally obtained water and sewerage connection on the strength of the property tax assessment in her name. This was objected by the petitioner and the property tax assessment in the name of the fifth respondent was cancelled on 24.03.2011. The fifth respondent has filed the writ petition before this Court in W.P.No.26699 of 2012 praying for writ of mandamus directing the second and third respondents therein to activate the fifth respondent's property tax account, which was cancelled on 24.03.2011. This Court, dismissed the said writ petition, by order dated 30.10.2013. It is stated that till date the order of cancellation of property tax assessment has not been challenged and it has become final. The petitioner would further state that the property tax assessment was obtained by the fifth respondent by playing a fraud and the officials of the Water Supply and Sewerage Board as well as the Corporation are involved. In this regard, a criminal case has been registered in Crime No.1/AC/2013/CC-IV and now the same is pending and it is further stated that the charge sheet is likely to be filed in the said matter shortly. With these facts, the petitioner has submitted a representation to disconnect the illegally obtained water and sewerage connection. The petitioner would state that already there is a water and sewerage connection in existence in the name of the petitioner's grandfather in respect of the said premises. The connection obtained by the fifth respondent is based on the illegal property tax assessment, which was cancelled on 24.03.2011 and the order has become final, as the fifth respondent has not challenged the cancellation order.

4. In the light of the above, there will be a direction to the fourth respondent to consider the representation of the petitioner taking note of the facts stated above and after giving notice to the petitioner and the fifth respondent, pass a speaking

order on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of, as stated supra. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
2. The Zonal Officer,
Corporation of Chennai,
(Zone VII),
Presently Zone IX,
Lake Area, Nungambakkam, Chennai-600 034.
3. The Chennai Metropolitan Water Supply
and Sewerage Board,
rep. by the Managing Director,
No.1, Pumping Station Road,
Anna Salai, Chennai-600 002.
4. The Area Engineer,
Chennai Metropolitan Water Supply
and Sewerage Board,
Area IX, Greams Road,
Thousand Lights, Chennai-600 006.

+1 cc to Mr.P.Karl Marx, Advocate,SR.16705.

msm(co)
krd 1/4

सत्यमेव जयते

W.P.No.8573 of 2015

WEB COPY