

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.28173/2013 & MP.No.1/2014

M.Vasudevan

..Petitioner

Versus

- 1.The Managing Director
Chennai Metropolitan Water Supply
& Sewerage Board, No.1, Pumping Station
Road, Chintadripet, Chennai 600 002.
- 2.The Area Engineer
Chennai Metropolitan Water Supply &
Sewerage Board, No.118,
Kodambakkam, Chennai 600 024.
- 3.The Member Secretary
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to receive the petitioner's application consider the same and accord water connection to the petitioner premises at Door No.43 [43-1-1], Sivan Koil Street, Kodambakkam, Chennai 600 024 in accordance with law and without insisting upon production of Completion Certificate/No Objection Certificate from the 3rd respondent or any other authorities concerned.

For Petitioner : M/s.Mccan Law Firm

For RR 1 & 2 : Mr.E.Janakiraman

For R3 : Mr.A.Kumar

ORDER

Heard M/s.Mccan Law Firm, learned counsel appearing for the petitioner ; and Mr.E.Janakiraman, learned counsel appearing for the respondents 1 and 2 and Mr.A.Kumar, learned counsel appearing for the 3rd respondent and perused the materials available on record.

2.The petitioner has filed this writ petition seeking for a direction upon the respondents 1 and 2 to receive the petitioner's application consider the same and accord water connection to the petitioner premises at Door No.43 [43-1-1], Sivan Koil Street, Kodambakkam, Chennai 600 024 in accordance with law and without insisting upon production of Completion Certificate/No Objection Certificate from the 3rd respondent or any other authorities concerned.

3.According to the petitioner, since the land area is less than 350 sq.ft., there is no necessity for obtaining Planning Permission and also the Clearance from the Water and Sewerage Board. In this regard, the petitioner places reliance on the order passed by this Court in WP.No.14469/2010 dated 07.07.2010.

4.The learned counsel appearing for the respondents/CMDA and CMWSSB submitted that the petitioner has constructed Ground + 4 Floors and therefore, unless and until CMDA grants approval and the Completion Certificate, the Water and Sewerage connection cannot be granted. That apart, mere assessment of the property through the tax by the Corporation of Chennai, cannot be a sole ground for holding that the building is a valid construction.

5.The Hon'ble Division Bench has held that even though the Corporation of Chennai has collected the property tax in respect of the buildings which have violated the building plan or put up unauthorised construction, that by itself, will not regularise the illegality.

6.In the light of the above, there is no case made out by the petitioner for grant of water and sewerage connection without obtaining proper building plan approval from CMDA. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/- सतयमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

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

2.The Area Engineer
Chennai Metropolitan Water Supply &
Sewerage Board, No.118,
Kodambakkam, Chennai 600 024.

3.The Member Secretary
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

+ 1 cc to M/s. Mcgan law firm, Advocate SR.18532
+ 1 cc to Mr.A.Kumar, Advocate SR.18210

GP(CO)
EU 15.04.2015

WP.No.28173/2013



WEB COPY