

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.12534 OF 2016

U.Md.Rahamathullah

.. Petitioner

Versus

1. The Managing Director
Chennai Metropolitan Water Supply
and Sewerage Board
1, Pumping Station Road,
Chindadripet, Chennai - 600 002.
2. The Assistant Engineer
Chennai Metropolitan Water Supply
and Sewerage Board
M.C. Road, Chennai - 600 001.
3. The Assistant Engineer
Chennai Metropolitan Water Supply
and Sewerage Board
2, Memorial Street, Park Town,
Chennai - 600 003.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to restore the sewerage connection at the property bearing No.5/2, New No.9/2, Mukhtharunissa Begum Street, 5th Lane, Mount Road, Chennai - 600 002.

For Petitioner : Mr.N.A.Nissar Ahmed
For Respondents : Mr.M.Jothikumar

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O R D E R

Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner and Mr.M.Jothikumar, learned Standing Counsel, who accepts notice for the respondents.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner has approached this Court seeking for a direction to the respondents to restore the sewerage connection to his property. According to the petitioner, without issuing any notice to him, the connection has been arbitrarily disconnected. In this regard, the petitioner has submitted representations to the respondents and the same are pending.

4.Mr.N.Jothikumar, learned Standing Counsel for the respondents, on instructions submitted that disconnection of supply has been made on the ground that the petitioner is a defaulter, having not paid the enhanced rates of water and sewerage charges. It is submitted that this enhancement is on account of the fact that the property is no longer a residential property, but it is a commercial property. In any event, the petitioner has a right to be heard in this matter and he is entitled to place his objections. Accordingly, the appropriate authority of the respondent Board has to consider the petitioner's representation. In the writ petition, the petitioner has not impleaded the appropriate authority.

5.The learned Standing Counsel for the respondents submits that the competent authority is the Area Engineer, Zone-V, Chennai Metropolitan Water Supply and Sewerage Board, Chennai. Accordingly, the said authority is directed to consider the petitioner's representations, which are pending before the respondents, within a period of three days from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No costs.

TK

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

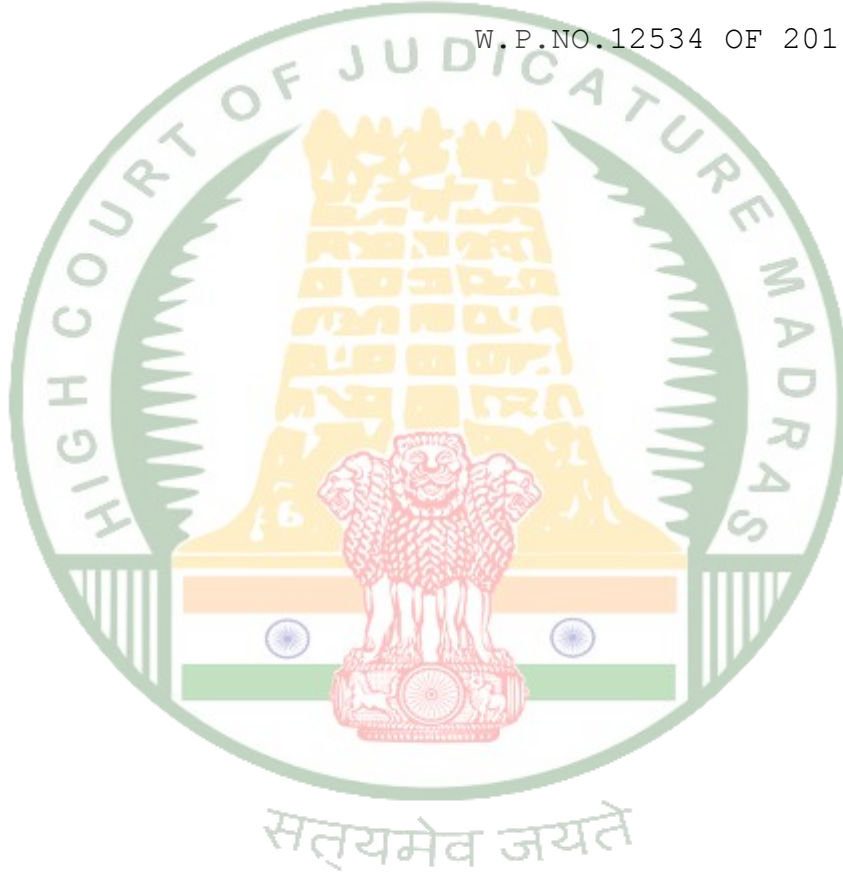
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+ 1 cc to Mr.N.Nissar Ahamed, Advocate SR 21134

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