

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 12.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13564 of 2016

&

W.M.P.No.11882 of 2016

1.M.Vanmeekanathan
2.M.Visagan

... Petitioners

Versus

1. The Chennai Metropolitan Development Authority, represented by its Member Secretary, Egmore, Chennai-600 008.
2. The Chennai Metropolitan Water Supply and Sewerage Board, represented by its Managing Director, 1, Pumping Station Road, Chintadripet, Chintadripet, Chennai-600 002.
3. The Assistant Engineer, The Chennai Metropolitan Water Supply and Sewerage Board, 41, Mundakanniamman Koil Road, Mylapore, Chennai-600 004.
4. K.Ramesh, Proprietor, Rammag Foundations, No.101/1, Akshaya Apartments, Alwarpet Street, Chennai-600 018.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents 2 and 3 render the service of the water supply and drainage facility, available to the petitioner building description of which are furnished in the Schedule to the Writ Petition forthwith or within such time or duration as this Court may direct, without insisting for production of completion certificate from the Competent Authority, with such terms and conditions.

For Petitioner : Mr.R.Loganathan
For Respondents : Mr.M.Karthikeyan
Standing Counsel for CMDA (R1)

Mr.M.Jothikumar
Standing Counsel for R2 and R3

O R D E R

Heard Mr.R.Loganathan, learned counsel appearing for the petitioner; Mr.M.Karthikeyan, learned Standing Counsel, accepting notice for the first respondent and Mr.M.Jothikumar, learned Standing Counsel, accepting notice for the respondents 2 and 3. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioners had earlier filed a Writ Petition before this Court in W.P.No.12874 of 2016, wherein, they sought for electricity service connection. The petitioners were purchasers of a flat in an apartment complex which was promoted by the fourth respondent. Though the petitioners had paid the full cost for the flat, the fourth respondent has completed the construction in part and is absconding. Therefore, the petitioners wanted separate electricity service connection being given to them which was refused to be considered by the Electricity Board and they insisted of production of the completion certificate.

3. The petitioners in W.P.No.12874 of 2016, came before this Court contending that without the completion certificate, they should be granted electricity supply. However, this Court was not inclined to issue such a direction as completion certificate is a pre-requisite for obtaining electricity service connection. However, taking note of the fact that there were 14 such persons in the apartment complex, this Court while disposing the Writ Petition in W.P.No.12874 of 2016, dated 06.04.2016, issued the following directions:-

"5. Thus, all the purchasers, who are stated to be 14 in number should join together and come to a conclusion, so as to enable themselves to complete the construction or to seek for other remedy before the Civil Court or other forums. Without the completion certificate, the respondent Electricity Board cannot be directed to consider the application for grant of electricity service connection. Therefore, the proper procedure for the petitioners is to first convene a meeting of all the 14 purchasers and all of them should join together, take a decision, either to complete the construction by themselves in accordance with the approved plan

or to approach the appropriate forum, and initiate legal action against the fifth respondent. If they completes the construction at their cost, then they can always approach the first respondent CMDA for completion certificate and then approach the fourth respondent for electricity service connection. However, it would be open to all the purchasers in the apartment complex to join together for applying for a temporary service connection, for construction purpose.

6.The writ petition is disposed of with the above observation and direction."

4. Now, the petitioners have come forward with this Writ Petition for water supply and sewerage drainage Connections. The order and direction issued in the earlier Writ Petition in W.P.No.12874 of 2016, dated 06.04.2016, shall cover this case also, since the pre-requisite for obtaining water supply and sewerage drainage connection is also production of Completion Certificate. Therefore, this Writ Petition is disposed of on the same lines as that of W.P.No.12874 of 2016. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

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To

Sub Assistant Registrar

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-600 008.
2. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
1, Pumping Station Road, Chintadripet,
Chintadripet, Chennai-600 002.
3. The Assistant Engineer,
The Chennai Metropolitan Water Supply and
Sewerage Board,
41, Mundakanniamman Koil Road, Mylapore,
Chennai-600 004.

+1cc to Mr.R.Loganathan, Advocate, S.R.No.22798

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