

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

W.P.No.23258 of 2014 &
W.P.No.11688 of 2015

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M.P.Nos.1 and 2 of 2014 in W.P.No.23258 of 2014

and

M.P.Nos.1, 2, 4, 5 and 2015, W.M.P.No.7769 of 2016

S.Murugesan

...Petitioner in both W.Ps.

Vs.

1. The Area Engineer VI,
Chennai Metropolitan Water Supply and
Sewerage Board,
Division Office - 06,
No.1, Dr.Ranga Road,
Abhiramapuram, Chennai - 600 018.

2. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chintadripet,
Chennai -2

...Respondents 1 and 2 in both W.Ps

3. S.M.A. Ashad Begum
4. Th.A.Syed Hussain
5. A.Syed Riazudeen
6. Zarina Begum
7. M.A.Fazul Haque
8. Smt. Mahummed Bi,
9. M.Kangeyan

R- 3 to R-9 in W.P.No.11688 of 2015

Prayer in W.P.No.23258 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to reconnect the water supply by restoring water supply and drainage systems for the building bearing No.5, Meeran Sahib Street, Mount Road, Chennai-2, particulars of which are furnished in the schedule to this Writ Petition forthwith, and to allow the petitioner to enjoy the very essential

amenities as aforesaid without which the property cannot be enjoyed with full utility with such terms and conditions as this Court deems fit to impose.

Prayer in W.P.No.11688 of 2015:-

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 and 2 to restore the water supply and drainage connection to the petitioner, who is the person in occupation, of the tenant of the building, (particulars of the buildings are mentioned in the schedule to this Writ Petition) subject to certain terms and conditions as this Court deems fit to impose.

Schedule

Address: Building bearing No.5, Meeran Sahib Street,
Mount Road, Chennai-2.

Amenities: Restoration of Amenities

- a) Restoration of Water Supply to the above building.
- b) Remove the block of Drainage Connection to the building.

Reference: Division No.6,
P.A.MA.X1082
Ch.C.No.03800000007

Owner Name referred: Khader Bee,
Meeran Sahib Street,
Mount Road, Chennai.

For Petitioner : Mr.R.Loganathan

For Respondents 1 & 2 : Mr.M.Jothikumar
Standing Counsel

COMMON ORDER

In these Writ Petitions, the petitioner seeks for an innocuous prayer to direct the respondent/Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) to restore the water and drainage connection to the petitioner's premises.

2. Heard Mr.R.Loganathan, the learned counsel appearing for the petitioner and Mr.M.Jothikumar, learned Standing Counsel for respondents 1 and 2 in both cases.

3. Though there are certain private respondents, viz., respondents 3 to 9, who were impleaded, as they are stated to be other tenants in the property, the learned counsel appearing for

the petitioner states that none of them are objecting to the petitioner's request to carry out the repair works. This Court, earlier heard the matter, and passed interim direction on 16.10.2015, which is to the following effect:-

"The petitioner is one of the tenants of the premises at No.5, Meeran Sahib Street, Mount Road, Chennai-2. Since water and drainage connections were cut off in the said premises, on 26.3.2015, representation was made to the respondents through registered post for restoring the connection. The representation submitted has no response. Hence, the petitioner prays for an interim direction directing the respondents to restore the water supply and drainage connection to the petitioner, who is the person in occupation of the above mentioned building.

2. For restoring the water connection as prayed for by the petitioner, the learned Government Pleader after instructions submitted that if the petitioner pays a sum of Rs.7,500/- towards repair charges along with necessary representation, the repair work would be taken care and immediately the supply to the petitioner's premises would be restored. The petitioner has no objection for making such payment as demanded.

3. Hence, the petitioner is directed to pay a sum of Rs.7,500/- towards repair charges along with a representation to the 2nd respondent board. On such payment, the representation of the petitioner be considered and repair work be done forthwith and thereafter, restore the water and drainage connection to the premises of the petitioner. Post on 03.11.2015 for compliance."

4. The petitioner is said to have approached the first respondent, for remittance of the money, and he gave representation to the said effect on 20.10.2015. However, it appears that the first respondent did not receive the money, since according to the first respondent, there is a procedure for remittance of money to the account of Board. In my view, if there is any clarification, that is required by the first respondent, he should have approached this Court, through the learned Standing Counsel, who is representing on his behalf, and should not have refused to receive the amount tendered by the

petitioner. However, without precipitating the matter further, taking into consideration the fact that already existing water and drainage connections should be repaired, the Writ Petitions are disposed of with the following directions:-

i) The petitioner is directed to appear before the first respondent along with a copy of this order, and tender the amount, as directed by the Court, in its order, dated 16.10.2015;

ii) The first respondent shall accept the amount and remit the same into the proper account, after which, the repair works shall be effected;

iii) When this Court posed a question to the learned counsel appearing for the petitioner as to whether the petitioner would pay additional amount, in the event of additional expenditure is to be incurred towards repair works, it is submitted by the learned counsel appearing for the petitioner, that the petitioner is ready and willing to pay the same, on being intimated.

5. The above direction shall be complied with by the first respondent within a period of two weeks from the date on which, the petitioner approaches the first respondent in person and tenders the amount.

6. The Writ Petitions are disposed of, as indicated above. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Area Engineer VI,
Chennai Metropolitan Water Supply and
Sewerage Board,
Division Office - 06,
No.1, Dr.Ranga Road,
Abhiramapuram, Chennai - 600 018.

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&
11688 of 2015

pvs[co]
srg 04/07/2016