

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.18775 of 2015

P.Arul Vel

.. Petitioner

-vs-

1.The Chairman & Managing Director,
Chennai Metro Water Supply
and Sewerage Board, Mount Road,
Chennai-600 002.

2.Lakshmi Devi,
Assistant Engineer (Depot),
Zone-V, Division 55,
Seven Wells Street,
Chennai-600 001.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.

4.The Member Secretary,
Chennai Metropolitan
Development Authority,
Gandhi Irwin Road,
Egmore,
Chennai-8.

5.The Assistant Engineer (O & M),
TANGEDCO,
NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.

.. Respondents

(Respondent Nos.3 to 5 are added as
per the order of the Court dt. 1.7.2015)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to take appropriate action against the second respondent for committing of grave misconduct in giving connection to unauthorised buildings violation of this Court order dated 07.8.2014 made in W.P.No.16555 of 2014.

For Petitioner : Mr.S.S.Vasudevan

For Respondents: Mr.N.Ramesh for R1 & R2

Mr.K.Soundararajan for R3

Mr.C.Johnson for R4

Mr.L.P.Dhilipkumar for R5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The learned counsel for respondent No.1/Chennai Metro Water Supply and Sewerage Board states that inspection is being carried out and wherever the illegal connections are found, they will be disconnected, including the one granted to the legally constructed portion, as the building has to be taken as a whole.

2. It is also assured to us that till road cut permissions are granted by the Corporation, there can be no question of laying down lines.

3. We also expect the authorities providing the civic amenities to re-visit the premises after a certain specified period of time to confirm that the unauthorised construction does not exist, for which purpose those amenities are being utilised. We say so as the normal practice appears to be to first build as per the norms, then obtain completion certificate and all other civic services, whereafter, unauthorised construction is made and the facilities extended to the authorised sections are then taken further to the unauthorised portion. We have already made clear in certain other proceedings that once extra construction is made in the building, the whole building becomes illegal and there is no question of occupation of any part of the building, claiming it to be originally authorised.

4. With the aforesaid observations, we close the writ petition. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman & Managing Director,
Chennai Metro Water Supply and Sewerage Board,
Mount Road,
Chennai-600 002.
- 2.Lakshmi Devi,
Assistant Engineer (Depot),
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- 3.The Commissioner,
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Chennai.
- 4.The Member Secretary,
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Gandhi Irwin Road,
Egmore,
Chennai-8.
- 5.The Assistant Engineer (O & M),
TANGEDCO,
NPKRR Maligai,
144, Anna Salai,
Chennai-600 002.

+1cc to Mr.CJohnson, Advocate, S.R.No.27526
+1cc to M/s.N. Ramesh, Advocate, S.R.No.26962
+1cc to M/s. S.S. Vasudevan, Advocate S.R.No.26913

NR(CO)
EU(19/05/2016)

सत्यमेव जयते

W.P.No.18775 of 2015

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