

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2016

Coram

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

Writ Petition No.1967 of 2016
and
W.M.P.No.1715 of 2016

R.Pradeesh

...Petitioner

Vs.

1. The Managing Director,
CMWSSB,
No.1, Pumping Station Road,
Chinthadhiripet,
Chennai - 600 002.

2. The Assistant Engineer,
Depot 105, Area VIII,
Water Tank Road,
MMDA Colony,
Chennai - 600 106.

3. Mr.S.Sakthivel

4. Mr.P.Gopikumar

R-4 impleaded as per order
passed by this Court in
W.M.P.No.5795/2016 of this
W.P.dt. 14.3.16.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the first and second respondents to pass a considered order on the application given by the petitioner on 16.12.2015, and consequential relief, by way of direction, directing the first and second respondents not to give water supply and drainage connection in favour of the third respondent or his nominee pertaining to the petition property, situated at Chennai District, Kodambakkam Sub Registration District, Egmore-Nungambakkam Taluk, Puliyur Village, Thailammal Kamakshi Nagar, Thiru Kumarapuram 5 Street, Plot No.12, part, comprised in S.No.19/9, Block No.1, Patta No.453/89-90, measuring an extent of 2014 sq.ft.

For Petitioner : Mr.T.Ramachandran
For Respondents 1 & 2 : Mr.M. Jothikumar
Standing Counsel
For Respondents-3 : Mr.V.Manohar

O R D E R

Heard Mr.T.Ramachandran, the learned counsel appearing for the petitioner and Mr.P.R.Dilipkumar, the learned Standing Counsel for respondents 1 and 2 and Mr.V.Manohar, learned counsel for third respondent.

2. The Writ Petition has been filed, objecting to the grant of water supply and drainage connection to third respondent's property.

3. It is stated that the petitioner is lawfully entitled to the property, and suit proceedings are pending. On the other hand, third respondent would state that he has absolute right over the property. In any event, the dispute is now before the Civil Court, and the suit is pending. Therefore, in the interregnum, if the petitioner seeks for any remedy, then, he has to approach the Civil Court by moving an Interlocutory Application in the suit, and seek for necessary remedy. Hence, at this stage of the matter, no direction, as sought for by the petitioner can be granted. However, this will not prevent the petitioner from moving the Civil Court seeking for appropriate remedy.

4. With the above observation, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

sd

To

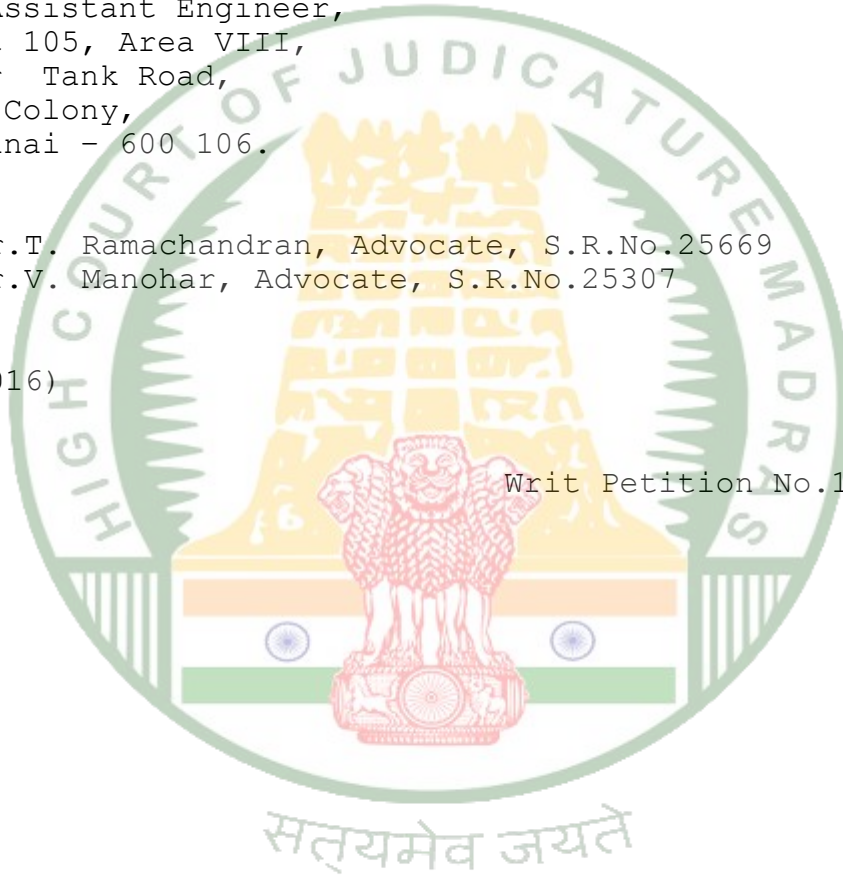
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+1cc to Mr.T. Ramachandran, Advocate, S.R.No.25669
+1cc to Mr.V. Manohar, Advocate, S.R.No.25307

GJ(CO)
EU(2/05/2016)

Writ Petition No.1967 of 2016



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