

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33052 of 2015

and

M.P.No.2 of 2015

C.Rajamohan

.. Petitioner

-Versus-

1. The Managing Director
Chennai Metropolitan Water Supply and
Sewerage Board
No.1 Pumping Station Road
Chennai-2.

2 The Area Engineer
(Area IV) Chennai Metropolitan Water Supply
and Sewerage Board,
Kilpauk Chennai-10.

3. The Corporation of Chennai,
Rep. By its Assistant Engineer,
Division - 65, Zone VI,
Kolathur, Chennai

.. Respondents

[R3 is suo-motu impleaded as per order dated 28.10.2015 by
NKKJ in W.P.No.33052 of 2015]

4. J.Jhansi Rani .. proposed 4th respondent
[impleaded today i.e. on 18.02.2016 as per the order of the
Court [TSSJ] in M.P.No.2 of 2015]

Prayer: This Writ Petition is filed under Article 226 of the
Constitution of India, seeking for a writ of mandamus,
directing the respondents to provide Water and Sewerage
Connection to the petitioner premises at No.4, Venkateswara
Nagar Extension, Subramaniyapuram 2nd Street, Kolathur, Chennai
- 600 099.

For Petitioner : Mr.R.Raman Laal

For Respondents : Mr.Janakiraman (for R1 & R2)

Mr.P.V.Selvakumar (for R3)

Standing Counsel for Chennai Corporation.

Mr.M.V.Muralidharan (for R4)

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. In this writ petition, the petitioner seeks for a mandamus, directing the respondents to provide water and sewerage connection to the petitioner's premises at No.4, Venkateswara Nagar Extension, Subramanipayuram 2nd Street, Kolathur, Chennai - 99.

3. This Court elaborately heard the learned counsel for the parties, in the presence of the Superintending Engineer of Corporation of Chennai as well as the officials of Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB).

4. The learned counsel appearing for the respondent Corporation during the course of argument admitted that there is already a road in existence, as per the plan and he has produced the copy of the Survey Plan issued by Deputy Inspector of Survey and Land Reforms, Perambur-Purasaiwalkam Taluk, Chennai - 11 dated 21.08.2012. In the said plan it has been clearly shown that there is a road and there appears to have been a wall, is an obstruction. However, this has been on account of the status quo granted by this Court in S.A.Nos.1245 to 1248 of 2010.

5. The appellants in the said Second Appeal are one J.Jhansi Rani and C.Rajamohan, writ petitioner herein and the said J.Jhansi Rani, has filed an application to implead her as respondent in the writ petition by filing M.P.No.2 of 2015. Prayer for impleadment, is strongly opposed by the learned counsel for the petitioner, contending, that it is a clear abuse of process of law and the said J.Jhansi Rani, should not be made a party to this writ petition.

6. Though, the writ petitioner may be justified in resisting the application for impleadment, nevertheless, since the proposed party on earlier occasion suffered an order before this Court in S.A.Nos.1245 to 1248 of 2010, this Court is of the view that she has to be impleaded in the writ petition, so that the order passed in this writ petition would bind the said J.Jhansi Rani. Accordingly, M.P.No.2 of 2015 is allowed and the said J.Jhansi Rani, is impleaded as the 4th respondent in the writ petition.

7. The officials of the Corporation of Chennai, who are present in the Court have expressed the view that only on account of the interim order of status quo, granted in S.A.Nos.1245 to 1248 of 2010, which is pending they are unable to proceed further in the matter. However, they candidly accepted that there is a road in existence and in such circumstances, there can be no impediment for the purpose of

providing water and sewerage connection to the petitioner's premises.

8. The learned counsel for CMWSSB on instructions submitted that if the Corporation states that there is a road in existence, then, the officials will provide water and sewerage connection to the petitioner's premises.

9. At this stage, it is to be pointed out that the 4th respondent's husband had filed another writ petition in W.P.No.5855 of 2016 and has sought for a relief which would in fact nullify the order passed by this Court in M.P.Nos.1 to 1 of 2010 in S.A.Nos.1245 to 1248 of 2010 dated 19.12.2014. Therefore, this Court has dismissed the said writ petition by an order dated 18.02.2016.

10. In the light of the submission made by the Corporation of Chennai that there is a road in existence and also the stand taken by the CMWSSB that they are ready to provide water and sewerage connection, there will be a direction to the 2nd respondent to provide water and sewerage connection to the petitioner's premises within a period of eight weeks from the date of receipt of a copy of this order and upon the petitioner complying with the required formalities.

11. The writ petition is disposed of, accordingly. No Costs. M.P.NO.1/2015 is Closed.

ars

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Managing Director
Chennai Metropolitan Water Supply and
Sewerage Board, No.1 Pumping Station Road
Chennai-2.

2 The Area Engineer
(Area IV) Chennai Metropolitan Water Supply
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3. The Corporation of Chennai,
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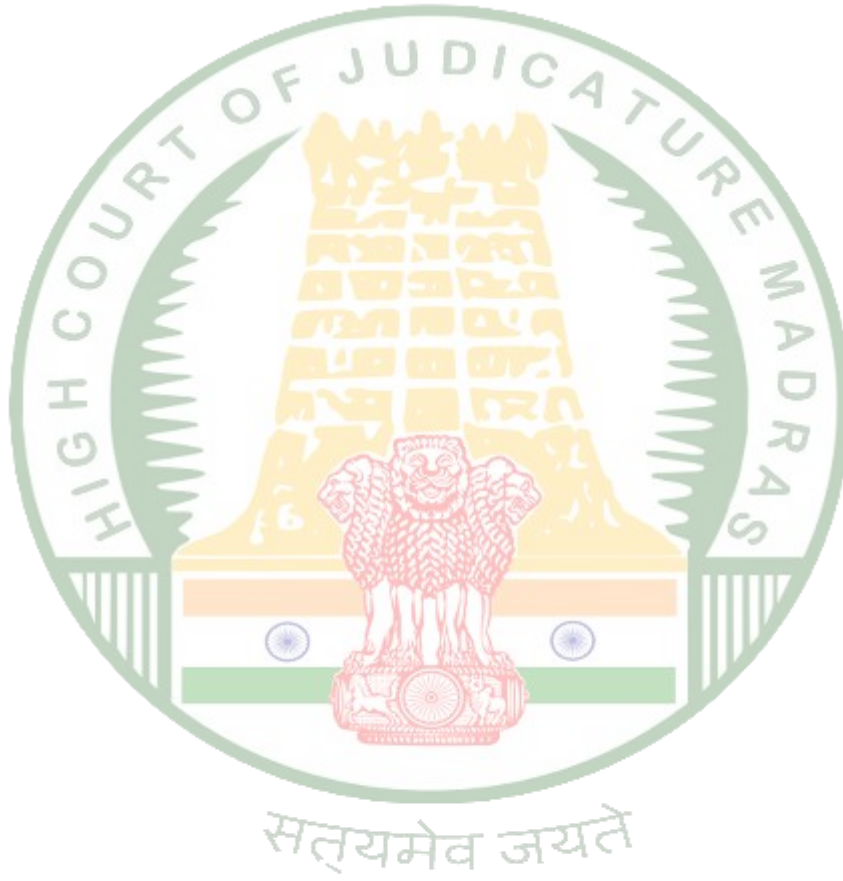
+ 2 ccs to Mr.R.Raman Laal, Advocate Sr 10521

+ 1 cc to Mr.P.V.Selvakumar, Advocate Sr 10372

+ 1 cc to Mr.M.V.Muralidharan, Advocate Sr 10343

KR/3/3/16

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