

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN,J

Writ Petition No.26207 of 2016 and
W.M.P.No.22474 of 2016

M.Isanovar

.. Petitioner

vs.

1.The Commissioner,
Corporation of Chennai,
Chennai – 600 003.

2.The Assistant Engineer (Registration),
CMWSS Board,
1, Pumping Stating Road,
Chennai – 600 002.

3.The Junior Executive Engineer,
CMWSS Board,
Zone VI, Division – 71,
No.1, Chandra Yogi Samathi Street,
Mangalapuram,
Chennai – 600 012.

4.Mr.M.Arulappan

.. Respondents

Petition filed under Article 226 of the Constitution of India for a writ of mandamus directing the respondents 2 and 3 to provide water and drainage connection to the petitioner premises in his occupation on the north western side of the premises bearing Door No.107, Brislee Nagar, Otteri, Chennai – 600 012.

For Petitioner : Mr.P.Ramachandran

For R.1 : Mr.P.V.Selvakumar,
Standing Counsel

For RR2 & 3 : Mr.G.Janakiraman for

Mr.A.Shagul Hameed

ORDER

The petitioner is one of the co-owner of the property in D.No.107, Brislee Nagar, Otteri, Chennai – 600 012, and the fourth respondent is the other co-owner. The said building has got two separate entrances which were used by the petitioner as well as the fourth respondent respectively.

2. There is already an existing water and sewerage connection standing in the name of the fourth respondent and now, R.4 is obstructing the petitioner from using the water and sewerage connection and therefore, the petitioner has applied for separate water and sewerage connection under the below poverty line category to the respondents.

3. Since, the said request has not been considered by the official respondents so far, the petitioner has come up with this writ petition seeking a writ of mandamus to direct the respondents 2 and 3 to provide water and drainage connection to the petitioner premises in his occupation on the north western side of the premises bearing Door No.107, Brislee Nagar, Otteri, Chennai – 600 012.

4. Heard Mr.P.Ramachandran, learned counsel for the petitioner; Mr.P.V.Selvakumar, learned Standing Counsel for the first respondent and Mr.G.Janakiraman, learned counsel for the respondents 2 & 3. Since, the order which is proposed to be passed by this Court will not affect the interest of the fourth respondent in any manner, this Court is not issuing

notice to the fourth respondent. By consent of the learned counsel for the petitioner and the official respondents, the writ petition itself is taken up for final disposal.

5.The learned counsel for the respondents 2 & 3 would submit that a report has been filed by a Junior Engineer, Depot 71, Area-VI, after inspecting the premises. The inspection report would reveal that there is an existing water and sewerage connection and there cannot be any two connections even though, there are two entrances for the single house.

6.However, the learned counsel for the petitioner would submit that as per Section 56 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978, the owner or occupier of any premises of a private street can apply for water and sewerage connection.

7.The occupation of the petitioner in the property has been proved by way of Family Card; Voters Identity Card and Electricity Consumer Card of the petitioner. Admittedly, the petitioner is one of the co-owners of the said property which is having two entrances and one of them has been used by the petitioner and the other one has been used by the fourth respondent and in this regard, there is a dispute between the petitioner and the fourth respondent. In view of the above position, it is appropriate for this Court to direct the official respondents i.e., respondents 2 & 3 to to give separate water and sewerage connection to the petitioner.

8. In the result, the writ petition is disposed of with a direction to the respondents 2 & 3 to give separate water and sewerage connection to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. The fourth respondent is at liberty to carry out the repair works for the existing water and sewerage connection. However, it is made clear that the order is only for the purpose of giving water and sewerage connection to the petitioner and the observations or findings given in this order will not have any bearing on the civil suit which is stated to be pending before the City Civil Court, Chennai. No cost. Consequently, connected miscellaneous petition is closed.

jbm

19.09.2016

To

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