

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15105 of 2013

M.Bharath Mirpuri
Petitioner

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Versus

1. The Managing Director
Chennai Metro Water Supply and Sewage Board,
No.1, Pumping Station Road,
Chindatripet, Chennai 600 002.
2. Area Engineer,
Chennai Metro Water Supply and Sewage Board,
Area 5, No.1, M.C.Road,
Chennai 600 021.
3. C.V.Manikandan .. Respondents

R3 impleaded as per order 17.09.2013 in MP.1 of 2013 in
W.P.No.15105 of 2013

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to remove the sewage/drainage block at No.23, Hunter Road, Chennai 600 012. forthwith.

For Petitioner : Mr.P.Kannankumar
For Respondents : Mr.G.Janakiraman for R1 & R2
Mr.T.Venugopalan for R3

O R D E R

The petitioner is a tenant under the third respondent in the property bearing Door No.23, Hunters Road, Vepery, Chennai 600 112. There appears to be a certain problems between the petitioner and the third respondent owner. Several litigations have been instituted with the Rent Control Court as well as the Civil Court. The grievances of the petitioner in this writ

petition is that, the landlord had intentionally blocked the sewage line to the petitioner's portion and hence he made various representations through first respondent and second respondent. No action has been taken in this regard. Thus he has filed this writ petition.

2. Heard both sides.

3. The learned counsel appearing for the petitioner would submit that, the blockage has to be attended by the officials of the first respondent and the second respondent but on the other hand, the learned counsel for the first respondent would submit that, after inspection, it was found that blockage was inside the premises of the petitioner and that they have no authority to rectify such blockages and it is only the petitioner's duty to have the sewage block removal.

4. At this juncture, the learned counsel appearing for the third respondent would submit that, he has no objection, if the petitioner takes steps to repair and remove the sewage block of his apartment and that his only concern is, the foundation to the building should not be damaged. He further submitted that he would cooperate with the petitioner by not creating any obstruction while repair works are being conducted by the petitioner. He further stated that while making such repairs, petitioner should not create any nuisance or obstructions to the other flat owners in the building.

5. The learned counsel appearing for the petitioner submitted that, while accepting the proposals of the third respondent, would also offer to have the repair works done at his own costs.

6. In view of the above submissions made by the learned counsels for all the respondents and as well as the petitioner, this writ petition is disposed by permitting the petitioner to have the sewage block in his apartment removed at his own costs and expenses. While doing so:-

I. The third respondent shall cooperate with the petitioner while such repair works are being conducted and shall not create any obstruction during the repair works.

II. The first respondent and second respondent shall also inspect the petitioner's premises before such repair works are made and ensure that the blockage is only inside the petitioner's premises and not in the area which is under their control.

III. The petitioner shall not cause any nuisance or obstruction to the other flat owners while such repair works are made and further take all precautions to see that the foundation to the building is not damaged during the repair works.

7. With these observations this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dpq
To

1. The Managing Director
Chennai Metro Water Supply and Sewage Board,
No.1, Pumping Station Road,
Chindatripet, Chennai 600 002.
2. Area Engineer,
Chennai Metro Water Supply and Sewage Board,
Area 5, No.1, M.C.Road,
Chennai 600 021.

+1cc to Mr.G. Janakiraman, Advocate, S.R.No.65218
+1cc to Mr.P. Kannan kumar, Advocate, S.R.No.65709
+1cc to Mr. T. Venugopalan, Advocate Sr.No.65721

rsai(CO)
md(25/11/2016)

W.P.No.15105 of 2013

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