

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.29152 of 2016

and WMP Nos.25198 & 25199 of 2016

Mrs.Sunita Ghurka

... Petitioner

Vs

1. The Assistant Commissioner

Chennai Metro Water Supply and Sewerage Board,
Depot. 57, No.48, Govindappa Street,
Chennai - 79.

2. The Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai - 600 009.

[R-2 suo moto impleaded as per order of
this court dt.22.08.2016 in WP No.29152/2016] ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of
India for issue of writ of certiorari calling for the records of
the respondent in its no.nil dated 10.08.2016 and quash the same.

For Petitioner : Mr.V.Vijay Shankar

For R.1 : Mr.G.Janakiraman

For R.2 : Mr.T.M.Pappiah,
Special Govt. Pleader for R2

O R D E R

The petitioner is one of the purchaser and occupier of
the flat at No.121//11, Anna Pillai Street, Sowcarpet, Chennai -
79. The said flat consists of 15 apartments and the
construction was made during the year 2006-2007. During the
year 2015, CMDA issued a notice to the owners stating that there
is deviation from the approved plan in the construction of the
flat. The Association of the Apartment Owners namely Manibhadra
Enclave Flat Owner's Association filed a revision petition under
Section 80 of the Tamil Nadu Town and Country Planning Act
before the second respondent herein and the same is pending.

2. When things stand so, the first respondent issued the impugned order on 10.08.2016 disconnecting the water service connection to the petitioner's apartment stating that disconnection is made in pursuant to the notice issued by the CMDA. Challenging the disconnection notice, the petitioner has come before this Court by way of this writ petition.

3. Heard Mr.V.Vijay Shankar, learned counsel appearing for the petitioner, Mr.G.Janakiraman, learned counsel appearing for the first respondent and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the second respondent.

4. Mr.T.M.Pappiah, learned Special Government Pleader appearing for the second respondent would submit that the appeal filed by the Association under Section 80 of the Tamil Nadu Town and Country Planning Act is pending before the second respondent and the same would be disposed of within a period of four (4) weeks.

5. In view of the above, the second respondent is directed to dispose of the appeal filed by the above said association, within a period of four (4) weeks from the date of receipt of a copy of this order and file a report before this Court on 05.10.2016.

6. To safeguard the interest of the petitioner and fourteen other families living in the above said apartments, the first respondent is directed to restore the water supply connection to the above said apartments, within a period two (2) days from today, as the water is an essential commodity. By moulding the prayer, the above direction is given.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.Ps are closed.

8. Post the matter on 05.10.2016.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

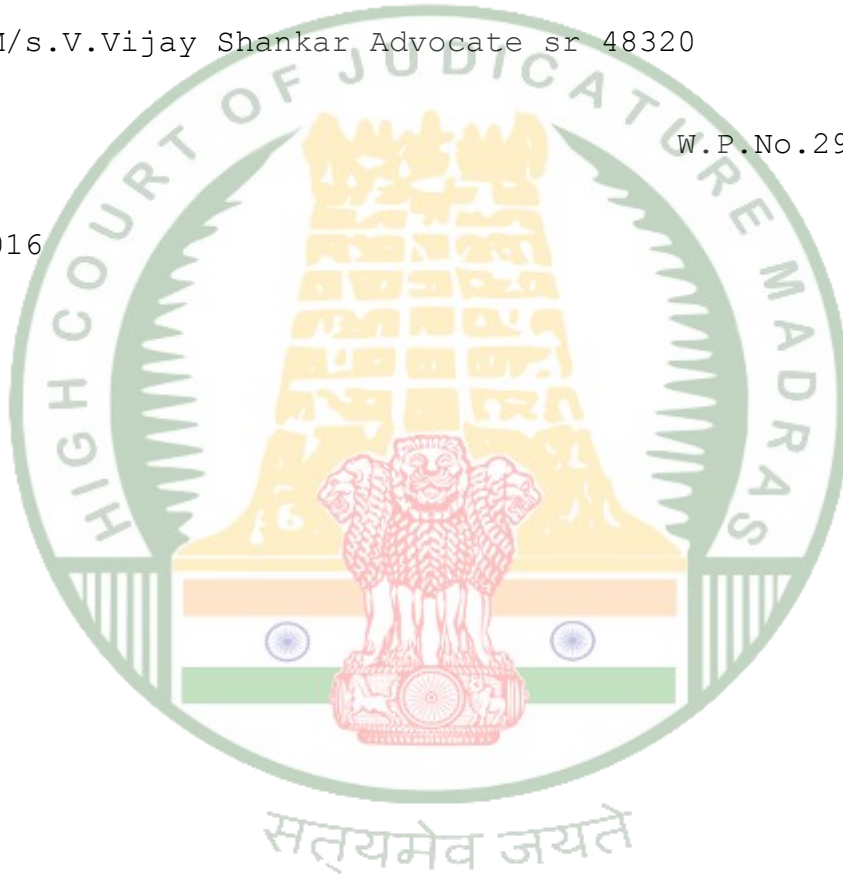
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+1 cc to M/s.V.Vijay Shankar Advocate sr 48320

W.P.No.29152 of 2016

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