

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.44794 of 2016

and

W.M.P.No.38630 of 2016

Five Star Apartments Owners' Welfare Association,
Rep. by its President,
Padi Kuppam Road,
Anna Nagar West,
Chennai-600 040. Petitioner

Vs.

1. The Commissioner,
Greater Corporation of Chennai,
Rippon Building,
Chennai-600 003.
2. The Executive Engineer,
Chennai Metro Water and Sewerage Supply Board,
Area-VII,
No.1, T.S.Krishna Nagar,
Ambattur, Chennai-600 037.
3. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai-600 101. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to forbear the third respondent from giving connection of the sewer line of 606 (MSB) flats of the Tamil Nadu Government Residential Quarters constructed by the third respondent at T.S.No.5 and S.No.172 part, 173 part of Padi Village, by considering the representation of the petitioner, dated 23.12.2016.

For petitioner : Mr.K.Elango

For respondents : Mr.V.C.Selvasekaran for R-1
Mr.N.Ramesh for R-2

ORDER

The prayer in this Writ Petition is for issuance of a Writ of Mandamus to direct the second respondent to forbear the third respondent from giving connection of the sewer line of 606 (MSB) flats of the Tamil Nadu Government Residential Quarters constructed by the third respondent at T.S.No.5 and S.No.172 part, 173 part of Padi Village, by considering the representation of the petitioner, dated 23.12.2016.

2. Even though the petitioner-Association has come forward with the above prayer, since there is a representation, dated 23.12.2016 given by the petitioner-Association to the second respondent, without rendering any finding on the merits of the matter/plea raised by the petitioner and taking into consideration the submissions made on behalf of the respondents 1 and 2, and also taking note of the urgency in the matter, this Court directs the second respondent-CMWSSB to pass appropriate orders on the said representation, in accordance with law, on or before 09.01.2017, after affording an opportunity of hearing to the petitioner and any aggrieved parties, if any. It is open for the members of the petitioner-Association to file any further submissions/materials by way of further representation and the members of the petitioner-Association shall also appear in person before the second respondent-CMWSSB on or before 03.01.2017 and ventilate their grievance before-ever the said representation, dated 23.12.2016 is disposed of. If the members of the petitioner-Association fail to appear and make submissions on or before 03.01.2017, it is open for the second respondent to pass appropriate orders on the said representation, dated 23.12.2016 in accordance with law, based on the materials available before them.

3. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cs

To

1. The Commissioner,
Greater Corporation of Chennai,
Rippon Building,
Chennai-600 003.

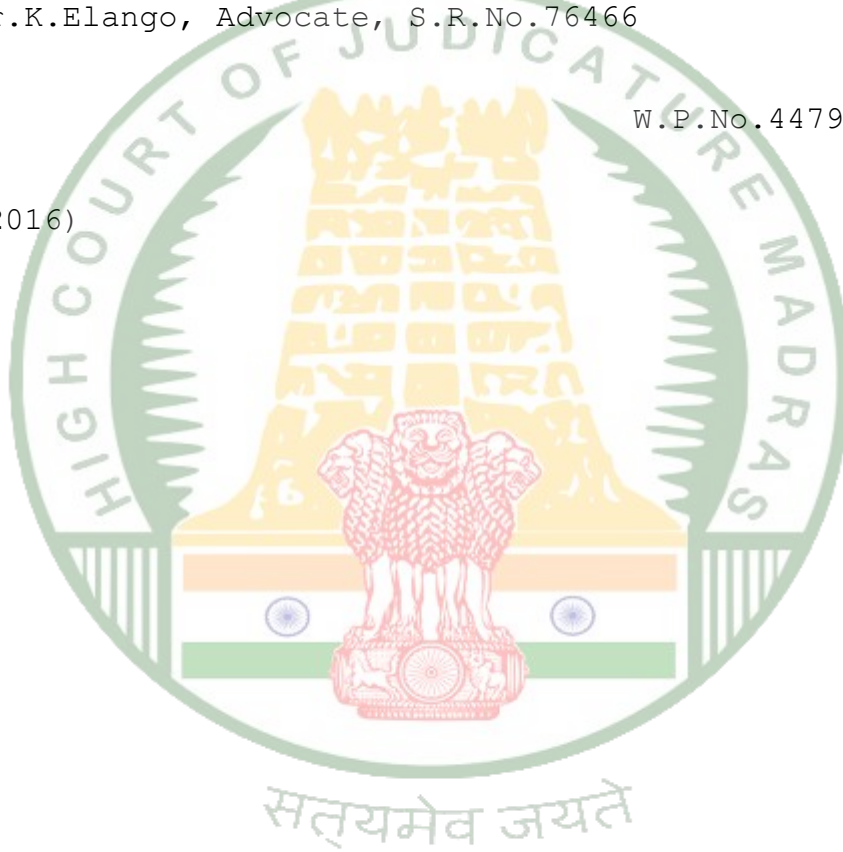
2. The Executive Engineer,
Chennai Metro Water and Sewerage Supply Board,
Area-VII,
No.1, T.S.Krishna Nagar,
Ambattur, Chennai-600 037.
3. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai-600 101.

+1cc to Mr.N.Ramesh, Advocate, S.R.No.76467

+1cc to Mr.K.Elango, Advocate, S.R.No.76466

W.P.No.44794 of 2016

SKV(CO)
CA(30.12.2016)



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