

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.41129 OF 2016

Dated:29.11.2016

Between:

Zoha Ahmed, D/o. Syed Sami Ahmed,
Aged about 20 years, Occ: Student,
R/o.Flat No.MCH No.12-2-416/64/G1,
Ushodaya Colony, Gudimalkapur,
Mehdipatnam, Hyderabad

.. Petitioner

And

The Hyderabad Metropolitan Water and
Sewage Board, Jalamandali, Khairatabad,
Hyderabad, rep., by its General Manager
(Engg.) and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.41129 OF 2016****ORDER:**

Heard. With the consent of learned counsel for the parties, the Writ Petition is disposed of at the stage of admission.

2. The petitioner claims to be the owner of Flat No.G1 of apartment building bearing No.12-2-416/64/G1, Ushodaya Colony, Gudimalkapur, Mehdiapatnam, Hyderabad. He was provided water connection bearing No.CAN 618484537 and he is regularly paying the water charges. The petitioner claims that the said water connection is being used exclusively by him and not by any other flat owners. He states that on 16.07.2016, without there being any reason, water supply was stopped to him and though he made complaints for stopping of water supply, it was not restored. Therefore, the petitioner filed W.P.No.33375 of 2016 to declare the action of the respondents therein in not considering the representations of the petitioner, dated 19.07.2016 and 23.07.2016, as illegal and for consequential direction to the respondents to restore water supply to the petitioner.

3. When the said Writ Petition was taken up for consideration, learned Standing Counsel placed before the Court the notice, dated 29.06.2016, issued to the petitioner and submitted that the petitioner cannot contend that the water connection is granted exclusively to him. The subject premises is an apartment building consisting of five flats and therefore it comes under 'Multi-Storied Building' (MSB) as per the Hyderabad Metropolitan Water Supply and Sewerage Rules, 1990 (for short,

‘the Rules, 1990’). In view of the said notice, the Writ Petition was disposed of granting liberty to the petitioner to avail appropriate remedies as available in law. Challenging the said notice, the present Writ Petition is filed.

4. Learned counsel for the petitioner submits that though the apartment consists of five flats, the said water connection is being used exclusively by the petitioner. She submits that there is no association formed and therefore no water connection is taken in the name of the apartment building and there is no prohibition in granting second water connection. She further submits that since the petitioner alone is utilising the water connection, question of submission of application under MSB category would not arise.

5. Learned Standing Counsel by placing reliance on the Rules, 1990 contended that there cannot be more than one water connection in an apartment building, which comes under the category of MSB and erroneously second water connection was granted, though one water connection was already granted to the same premises in the year 2001.

6. Rule 15 of the Rules, 1990 reads as under:

“15. Premises not to be supplied with more than one connection.

No premises shall ordinarily be supplied with water by more than one connection. The Chief Engineer, may, however, in special circumstances to be recorded in writing, sanction more than one connection. Only one connection shall be sanctioned for apartments, shopping and office complexes.”

7. A bare reading of the provision makes it clear that only one connection can be granted for an apartment, whereas already water connection bearing No.CAN 612257603 of 15 mm dia pipe was granted in the name of Mr. DVS. Sesha Mohana Rao and the said water connection is in operation and is being used in the premises. When the Rule clearly mandates that there should be only one water connection and additional water connection can be granted only in special circumstances, the petitioner cannot continue to utilise the water connection enormously granted to him. It is apparent that water connection was obtained as if it was an independent building and no water connection was already granted. When the provision in Rule 15 of the Rules 1990 is clear, no direction can be issued in favour of the petitioner to continue the water connection already provided to him, as such provision is illegal. When the provision of water connection is contrary to the Rules, the petitioner cannot seek to perpetuate the illegal water connection. Hence, I see no error in the impugned notice warranting interference by this Court.

8. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:29.11.2016

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