

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2017

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

Contempt Petition Nos.1299 and 1381 of 2015
and Sub Application Nos.1 & 2 of 2017

1. Mr.P.Ct.P.Chidambaram
rep. by his Power Agent,
Mr.K.Sayee Sundar ... Petitioner in Cont.P.1299/15

2. M/s.Associated Engineering Concern
A partnership firm represented by its
Partner Mr.H.Nataranan ... Petitioner in Cont.P.1381/15

Vs

1. Mr.B.Chandra Mohan,
The Managing Director,
The Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road, Chintadripet,
Chennai - 600 002.

2. The Executive Engineer,
Zone -13, Corporation of Chennai,
Adayar, Chennai - 20.

3. The Executive Engineer (TP),
Enforcement (South),
Corporation of Chennai,
Adyar, Chennai - 20 ... Respondents in both Cont.Ps.

[2nd respondent Suo motu impleaded as per the order dated
29.02.2016 in Cont.P.Nos.1299 and 1391 of 2015]

[3rd respondent is impleaded as per order dated 22.06.2016
in Cont.P.Nos.1299 and 1391 of 2015]

Prayer in Cont.P.No.1299/15 : Contempt Petition filed
under Section 11 of the Contempt of Court Act, praying to
proceed against the contemnor/respondent for contempt of
Court, and punish him for the willful violation and

disobedience of the orders passed by this Hon'ble Court in W.P.No.7986 of 2015 on 20.03.2015.

Prayer in Cont.P.No.1381/15 : Contempt Petition filed under Section 11 of the Contempt of Court Act, praying to proceed against the contemnor/respondent for contempt of Court and punish him for the willful violation and disobedience of the orders passed by this Hon'ble Court in W.P.No.7501 of 2015 on 17.03.2015.

For Petitioner : Mr.L.Chandra Kumar
For Respondents : Mr.M.Jothikumar for R1
Mr.P.V.Selvakumar for R2, R3

C O M M O N O R D E R

These Contempt Petitions have been filed alleging willful disobedience of the directions in W.P.No.7986 of 2015 on 20.03.2015 and W.P.No.7501 of 2015 on 17.03.2015 respectively.

2. The direction issued by the Court was a very innocuous issue and directed the CMWSSB to consider the petitioner's application for grant of water and sewerage connection, after verifying all the details and if there is no legal impediment, connection shall be granted as expeditiously as possible.

3. However, when the Contempt Petitions were entertained and notice was ordered, several issues came

up for consideration and one person by name, R.Mohan, sought to intervene in the proceedings, claiming himself, to be the President of the Residents Association. The Court dismissed his plea.

4. The Area Engineer of CMWSSB has filed a report along with sketch, from which, it is seen that the line has been drawn up to the terminal chamber.

5. The petitioner's contention is that line has to be drawn till his property, which is at the end of the passage, which according to the petitioner is a common passage.

6. Mr.R.Pukalenth, Deputy Area Engineer 38, Area 13, CMWSSB is present in Court and he would submit that they have complied with the order and that they have taken sewerage line to the terminal chamber and it is the duty of the owner of the property, to lay the line inside the private property, which may be a common property to several owners or an individual property.

7. After several adjournments, the Court is able to ascertain the facts and is of the view that the direction sought for in the Contempt Petitions are beyond the scope of the direction in a writ petition. That

apart, a common passage is not common to the general public, but common to the other residents in that area. Therefore, if there is any objection by any of the persons in that area, by dumping of garbage in that area, then they can approach the competent authority to restrain the same and proceed with the work.

8. With the above observation, these Contempt Petitions are disposed of. Consequently, connected Sub Applications are closed.

Sd/-

JOINT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

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CO/06/03/2017

One CC to Mr.L.Chandrakumar, Advocate, Sr.No.2664