

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.19794 of 2017 &
W.M.P.No.21374 of 2017

P.Vinayaga Selvi
... Petitioner

v.

1.The Chennai Metro Water Supply
and Sewerage Board
Represnetd by its Managing Directorate
No.1, Pumping Station Road
Chintadripet, Chennai - 2.

2. Area Engineer
Division - 4
Chennai Metro Water Supply
and Sewerage Board
No.10-C, central Avenue Road
4th Main Road
Mahakavi Barathiyar Nagar
Chennai - 600 039

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records of the order No.Che.Ku.Va.No./Area 4/Ku.Ni. & Ka.Ni.VO/A. No.113/17-18, dated 19.06.2017, passed by the 2nd respondent, quash the same and direct the respondents to conduct fresh inspection and to grant water supply and sewerage connection to the petitioner's premises situated at Plot No.5, Door No.3, M.R. Nagar, II Main Road, Kodungaiyur, Chennai - 600 118.

For Petitioner : Ms.Meena Gnanasekar
for Mr.Paul Kanagaraj

For Respondents : Mr.G.Janakiraman
Standing Counsel

O R D E R

Mr.G.Janakiraman, learned Standing Counsel, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 19.06.2017, to quash the same and direct the respondents to conduct fresh inspection and to grant water supply and sewerage connection to her premises situated at Plot No.5, Door No.3, M.R. Nagar, II Main Road, Kodungaiyur, Chennai - 600 118.

3. The learned counsel appearing for the petitioner contended that in the impugned order dated 19.06.2017, the 2nd respondent had pointed out that the actual built up area and the approved built up area differs and therefore, without rectifying the same, water connection and sewerage connection cannot be granted and that the said order has been passed without giving notice to the petitioner. Further, the learned counsel submitted that the petitioner is willing to rectify all the defects pointed out by the 2nd respondent and in such an event, the 2nd respondent may be directed to give water and sewerage connection to the petitioner's premises.

4. Mr.G.Janakiraman, learned Standing Counsel appearing for the respondents submitted that the 2nd respondent is prepared to reinspect the property in the presence of the petitioner and give a report to her with regard to the defects in the premises. Further, the learned Standing Counsel submitted that only after rectifying all the defects by the petitioner, the water and sewerage connection will be given to the petitioner's premises.

5. In view of the submissions made by the learned counsel on either side, the impugned order dated 19.06.2017 is set aside and the matter is remitted back to the 2nd respondent for fresh consideration. The 2nd respondent is directed to reinspect the premises and give a fresh report to the petitioner with regard to the defects in the premises. The petitioner shall seek for water and sewerage connection after rectifying the defects pointed out by the 2nd respondent.

With these observations, the writ petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Managing Directorate
The Chennai Metro Water Supply
and Sewerage Board
No.1, Pumping Station Road
Chintadripet, Chennai - 2.
2. Area Engineer, Division - 4
Chennai Metro Water Supply
and Sewerage Board
No.10-C, central Avenue Road
4th Main Road
Mahakavi Barathiyar Nagar
Chennai - 600 039

+1 cc to Mr.C.Paul Kanagaraaj Advocate sr 55862

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gj(co)
aa07/08/2017

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