

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No. 37417 of 2003

1.P.S.M.T. Syed Abdul Rahman
2.P.K.M.S.Mohamed Beevi
3.P.S.M.T.Hameed Nazureen

... Petitioners

vs.

1. State of Tamil Nadu
rep. by its Secretary,
Municipal Administration and
Water Supply Department,
Chennai-9.
2. Chennai Metropolitan Water Supply
and Sewerage Board,
rep. by its Chairman,
No.1, Pumping Station Road,
Chennai-2.
3. The Assistant Engineer,
Depot 126/Area VIII,
C.M.W.S.S. Board,
105, Thyagaraya Road,
T.Nagar, Chennai-17.

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari-fied Mandamus, calling for the records of the respondents, culminating in the impugned notice of the third respondent dated 6.5.2003, bearing Ref. Lr. No.CMWSSB/Area-VIII/AE/D-126/2003, quash the same and direct the respondents not to disconnect the sewerage connection for the petitioners' property at No.54, Sir Thyagaraya Road, T.Nagar, Chennai-17 comprised in T.S.Nos.6219, 7522 and 7523 in Block No.137, situate within the Sub-Registration District of T.Nagar and Registration District of South Madras.

For Petitioner : M/s.J.Viswanathan

For 1st Respondent : Mr. Akhil Akbar Ali

Government Pleader
For 2nd & 3rd Respondents: Mr. G.Janakiraman

O R D E R

The petitioner has filed this Writ Petition challenging the impugned notice of the third respondent dated 6.5.2003, bearing Ref. Lr.No.CMWSSB/Area-VIII/AE/D-126/2003, quash the same and direct the respondents not to disconnect the sewerage connection for the petitioners' property at No.54, Sir Thyagaraya Road, T.Nagar, Chennai-17 comprised in T.S.Nos.6219, 7522 and 7523 in Block No.137, situate within the Sub-Registration South Madras.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that the new building has been constructed and the communication dated 06.05.2003 which is subject matter of the petition was issued on the ground that the petitioner has illegally connected a new sewerage in the building without any sanction. Challenging that order, the petitioner approached this Court and obtained interim order. In the meantime, it is submitted that the petition for regularisation and the regularisation had been sanctioned and they approved the request of the petitioner and that sanction would be issued before the end of September 2017. The learned counsel for the respondents 1 & 2 would submit that as there was illegal connection, notice had been issued. Further, in view of the interim order of this court, nothing can be proceeded with. However, the petitioner has been paying the property tax, water and sewerage charges till date, except for the year 2017-18 and that the petitioner will have to pay the charges for the current year.

3. Recording the submission of the parties, the requisition of the petitioner may be considered and it can be regularised and the petitioner has complied with the norms required by the second respondent and sanction may be accorded in accordance with law before September 2017.

4. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu
Municipal Administration and
Water Supply Department,
Chennai-9.

2. The Chairman,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chennai-2.

3. The Assistant Engineer,
Depot 126/Area VIII,
C.M.W.S.S. Board,
105, Thyagaraya Road,
T.Nagar, Chennai-17.

+ 1 cc to M/s. Kokilavane Advocate Sr.52304
+ 1 cc to Government Pleader SR.52570

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MG (CO)

EU 31.08.17

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