

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20057 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the inaction of respondents 1 to 3 in restoring the petitioner's legally sanctioned drainage connection, as arbitrary, illegal, unjustified, violative of Articles 14 and 19(1)(g) of the Constitution of India and consequently direct respondents 1 to 3 to take immediate steps for restoration of the drainage connection to the petitioner's garage, situated at Plot No.1C, Block No.30, Industrial Park, Autonagar, Hyderabad.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is running a garage/service centre for repairs and servicing of medium commercial vehicles, situated at Plot No.1C, Block No.30, Industrial Park, Autonagar, Hyderabad. When the petitioner applied to the 1st respondent for sanction of a drainage connection to the garage for draining out the waste water, the 2nd respondent, on payment of Rs.2,71,000/- towards drainage connection charges by way of Demand Draft No.645043, dated 11.07.2007, issued proceedings, dated 13.08.2007, informing him to connect the sewerage to Municipal underground drain and intimate the date of connection to GHMC. Accordingly, the petitioner has been using

the drainage facility since 2007 without any problem or obstacle. It is further case of the petitioner that on a complaint given by the 4th respondent alleging that the sewerage water let out from the garage of the petitioner is choking the underground drainage causing inconvenience to the residents of the 4th respondent association.

4. The main grievance of the petitioner is that on 08.05.2017, a mob of 4th respondent members along with GHMC Deputy Executive Engineer has come to the petitioner's garage and has high handedly dug and damaged the underground drainage connection from the petitioner's premises to the GHMC drainage and that in view of the said high handed and illegal disconnection, there is no other way of letting out the waste water from the petitioner garage. Hence, the petitioner filed the present writ petition with a prayer to restore the drainage connection to the petitioner's garage.

5. When the matter is taken up for hearing, it is informed by the learned Standing Counsel for the 6th respondent that the petitioner has not submitted any application to the 6th respondent ventilating his grievance and if such application is filed by the petitioner, the same will be considered by the 6th respondent, in accordance with law.

6. Recording the said submissions, the Writ Petition is disposed of directing the petitioner to submit a fresh application to the 6th respondent on or before 30.07.2017 and on receipt of such application, the 6th respondent is directed to consider the application of the petitioner and pass appropriate orders, as

expeditiously as possible, in accordance with law, more preferably within a period of eight (8) weeks from the date of receipt of such application. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 14th July, 2017

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299

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