

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P Nos.3572 to 3577 of 2018
and
W.M.P.Nos.4366 to 4371 of 2018

P.Mohandoss ..Petitioner
(in W.P.No.3572/2018)

S.Ayesha Beevi ..Petitioner
(in W.P.No.3573/2018)

N.Vasuki ..Petitioner
(in W.P.No.3574/2018)

G.Raghu ..Petitioner
(in W.P.No.3575/2018)

S.Thangalakshmi ..Petitioner
(in W.P.No.3576/2018)

P.Raghupathy ..Petitioner
(in W.P.No.3577/2018)

Vs

1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chindadripet,
Chennai - 2.

2.The Division Engineer,
Division - 13,
Chennai Metropolitan Water and
Sewerage Board,
Indira Nagar,
Chennai - 20.

3.The Assistant Engineer,
No.53, North Mada Street,
Thiruvanmiyur, Chennai - 41.

4.S.Dilli

Common Prayer:

These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 2nd respondent to not to provide the sewerage connection to the 4th and 5th respondent in the private pathway of the petitioner bearing Survey No.95/5, Sakthi Nagar, Thiruvanmiyur, Chennai, respectively.

For Petitioners : Mr.G.Ranganathan
(in all W.Ps)

For Respondents : Mr.N.Ramesh
Standing Counsel for R1 to R3
(in all W.Ps)
Mr.S.Sugendran, for R4 and R5
(in all W.Ps)

C O M M O N O R D E R

Heard the learned counsel for the petitioners, the learned Standing Counsel appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 and 5.

2. The petitioners have come forward with these writ petitions for issuance of writ of mandamus, directing the second respondent to not to provide the sewerage connection to the 4th and 5th respondent in the private pathway of the petitioners bearing Survey No.95/5, Sakthi Nagar, Thiruvanmiyur, Chennai.

3.The case of the petitioners is that they are the absolute owners of the portions comprised in S.No.95/5, Thiruvanmiyur Village. The petitioners have occupied small extent of property and have been residing therein for a long number of years. The petitioners have formed a private pathway and the same was recognised by the Chennai Corporation. It is further stated that in the year 2008, the petitioners obtained Water and Sewerage connection from the first respondent. The respondents 4 and 5 have applied for service connection. The second respondent without conducting enquiry and inspection, is trying to take sewerage connection through the private pathway to the fourth and fifth respondents. Hence, the petitioner submitted their objection, since no favourable reply forthcoming, they have come up before this Court.

4.The learned Standing counsel appearing for the respondents 1 to 3 submitted that the petitioners are the encroachers and as per Section 67 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978, power is conferred on the authority to take pipe line, even through a private property.

5. The learned counsel appearing for the respondents 4 and 5 submitted that they have already paid necessary charges for providing water and sewerage connection, in the year 2014. But, due to the obstruction of the petitioners, water connection could not been given so far.

6. In the light of the limited prayer sought for in these writ petitions and the submissions made by the learned counsel on either side, this Court, without going into the merits of the cases, directs the first respondent to consider the objection / representation of the petitioners and take appropriate action, on merits and in accordance with law, after providing an opportunity to all the necessary parties, within a period of eight weeks, from the date of receipt of a copy of this order.

7.With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chindadripet, Chennai - 2.

2.The Division Engineer,
Division - 13,
Chennai Metropolitan Water and
Sewerage Board,
Indira Nagar, Chennai - 20.

3.The Assistant Engineer,
No.53, North Mada Street,
Thiruvanmiyur, Chennai - 41.

+1cc to Mr.G.Ranganathan, Advocate, S.R.No.20803
+1cc to Mr.N.Ramesh, Advocate, S.R.No.21795

W.P Nos.3572 to 3577 of 2018
and
W.M.P.Nos.4366 to 4371 of 2018

GMI (Co)
CS/16/04/18



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