

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 10881 of 2018

R.Mohamed Nazer

... Petitioner

Vs

1.The Chennai Metropolitan Water
Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.

2. The Assistant Engineer,
Chennai Metropolitan Water
Supply and Sewerage Board,
Area-IX, Depot 111,
No.5, Greams Road,
Thousand Lights,
Chennai-600 006.

3. A.Mohamed Imam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to forthwith disconnect the metro water drainage and sewerage connection given to the building of the 3rd respondent situated at No.151, Greams Road, Thousand Lights, Chennai-600 006 from the petitioner service connection.

For Petitioner : M/s.R.Neelakandan

For Respondents : Mr.Ramesh,
Standing Counsel for R1 and R2

: Mr.K.Moorthy,
Counsel for R-3

O R D E R

Heard M/s.R.Neelakandan, learned counsel for the petitioner, Mr.N.Ramesh, Standing Counsel for Respondents 1 and 2 and Mr.K.Moorthy, learned Counsel for 3rd Respondent.

2. The petitioner has filed the present Writ Petition seeking for a direction to the respondents 1 and 2 to disconnect the water, drainage and sewerage connection given to the 3rd respondent.

3. According to the petitioner, he is the owner of the property in Door No.150, Greams Road, Thousand Lights, Chennai and the water and sewerage connection was given to the petitioner premises by the respondents 1 and 2 in the year 2011 on payment of necessary charges. Earlier, a de-occupation notice was issued by the Chennai Metropolitan Development Authority and the petitioner premises was locked and the drainage connection was ordered to be disconnected. The above disconnection was done at the instance of the 3rd respondent, who is his neighbour.

4. According to the petitioner, while disconnecting the drainage connection in the petitioner building, he found that the 3rd respondent has illegally using the same water and sewerage connection provided to the petitioner house and the 3rd respondent did not have a separate connection from the main line. The 3rd respondent is all along using the metro water and sewerage connection to his house from the petitioner's water connection. Now, the 3rd respondent has obtained a separate sewerage connection through the petitioner's house from the main line, it is not permissible under law. In these circumstances, the present Writ Petition has been filed seeking for a direction to the 1st and 2nd respondents to disconnect the water connection given to the 3rd respondent.

5. The 1st and 2nd respondents have filed a counter affidavit stating that, a separate water and sewerage connection has been granted to the 3rd respondent from the existing common water and sewer pipeline laid in the road portion in Greams Road, the service connection was given to both door Nos.150 and 151 viz., the petitioner and 3rd respondent. Based on the complaint from the 3rd respondent, the sewerage connection pertaining to the petitioner's premises was disconnected by the 2nd respondent. Subsequently, the 3rd respondent herein had applied for renewal of his separate connection in Door No.151 and the renewal was granted vide order in SA.3018 dated 14.06.2017 to the 3rd respondent after collecting the required fees for the same. The Petitioner's premises is at door No.150 and the 3rd respondent's premises is at Door No.151, both got separate connection and there is no illegal connection given to the 3rd respondent from the petitioner premises. The connection granted by the Board to the premises of the 3rd respondent is only from the Board's main pipeline laid in the road portion and not from the portion of the petitioner's premises.

6. This Writ Petition has been filed on the ground that the water and sewerage connection was given to the 3rd respondent premises, from the connection given to the Writ Petitioner

house. Now, the water and sewerage connection given to the Writ Petitioner has been disconnected, but the 3rd respondent is legally connected water and sewerage connections to his house and hence, it should be disconnected. The above contention was disputed by the respondents 1 and 2 stating that the 3rd respondent has a separate water and sewerage service connection and the service connection given to the 3rd respondent is no way related to the water and sewerage connection of the Writ Petitioner. In the said circumstances, as the 3rd respondent having separate water and sewerage connection from the respondents 1 and 2, the contention of the Writ Petitioner cannot be countenanced.

7. Therefore, I am of the view that there is no merit in the Writ Petition, and accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Chennai Metropolitan Water
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No.1, Pumping Station Road,
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2. The Assistant Engineer,
Chennai Metropolitan Water
Supply and Sewerage Board,
Area-IX, Depot 111,
No.5, Greams Road,
Thousand Lights,
Chennai-600 006.

+1cc to Mr.K.Moorthy, Advocate sr.no.54791
+1cc to Mr.Ramesh, Advocate sr.no.54450

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ssv(co)
nr 10/09/2018