

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.16777 of 2011

1.A.Durairaj

2.D.Poon Gothai

..Petitioners

vs

1.The Commissioner,
Corporation of Chennai,
Chennai.

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to give the drainage connection to the petitioners' premises at No.184 E, comprised in T.S.No.97/A part in Block No.21 (Zone O5) Annai Indira Street, Choolaimedu High Road, Choolaimedu, Chennai-600 094.

For Petitioners : Mr.A.Meenakshi Sundaram
For Respondents : Mr.C.Ravichandran for R1
: Mr.M.Jothi Kumar for R2

सत्यमेव जयते
O R D E R

The petitioners have filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents to give drainage connection to the petitioners' premises at No.184 E, comprised in T.S.No.97/A part in Block No.21 (Zone O5), Annai Indira Street, Choolaimedu High Road, Choolaimedu, Chennai-600 094.

2.The petitioners are husband and wife. The house and ground bearing door No.184E, comprised in T.S.No.97/A part in Block No.21 originally belonged to one Mrs.Gnanammal.

She acquired the same through the Court sale vide I.A.No.2454 of 1992 in O.S.No1941 of 1980. The said Gnanammal sold the said property to the petitioners herein through a sale deed dated 09.07.2007 registered as document No.2589 of 2007, on the file of the Sub Registrar, Kodambakkam, Chennai. Thereafter, the petitioners were in possession of the property from the date of purchase. Then the petitioners approached the Egmore-Nungambakkam Taluk Office for sub-division and transfer of patta in their name. Accordingly, sub-divisions were made in the town survey number as 97/12 and patta was transferred in the petitioners name. Subsequently, the petitioners have put up a house on the said land. While putting up the construction, the petitioners drainage connection was temporarily disconnected. After completing the building work, the petitioners applied for restoration of drainage connection. The first respondent rejected the said application. Hence, the present writ petition is filed.

3.The learned counsel for the petitioners submitted that the petitioners have paid the entire tax namely, property tax, water tax etc., as on date and also they have invested huge money for drainage connection. Therefore, he prays this Court to issue a direction to the second respondent for effecting drainage connection to the petitioners' house.

4.The learned counsel for the respondents would submit that the respondents have produced a letter wherein, the second respondent Officials have rejected the application on the ground that no tittle particular were furnished for completing the drainage connection. He further submitted that the Greater Chennai Corporation is a formal party to the above writ petition. The relief claimed by the petitioners comes under the purview of Chennai Metro Water Supply and Sewerage Board.

5. Heard both sides and perused the documents placed on record.

6. A perusal of the records shows that on 04.07.2011, the Divisional Engineer has rejected the application on the ground that the petitioners have not produced the particulars for completing the building construction. Further the petitioner has not challenged the order dated 04.07.2011.

7. In view of the above, the prayer in the Writ Petition cannot be granted and the same is dismissed. However, liberty is granted to the petitioners to challenge the proceedings dated 04.07.2011, in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

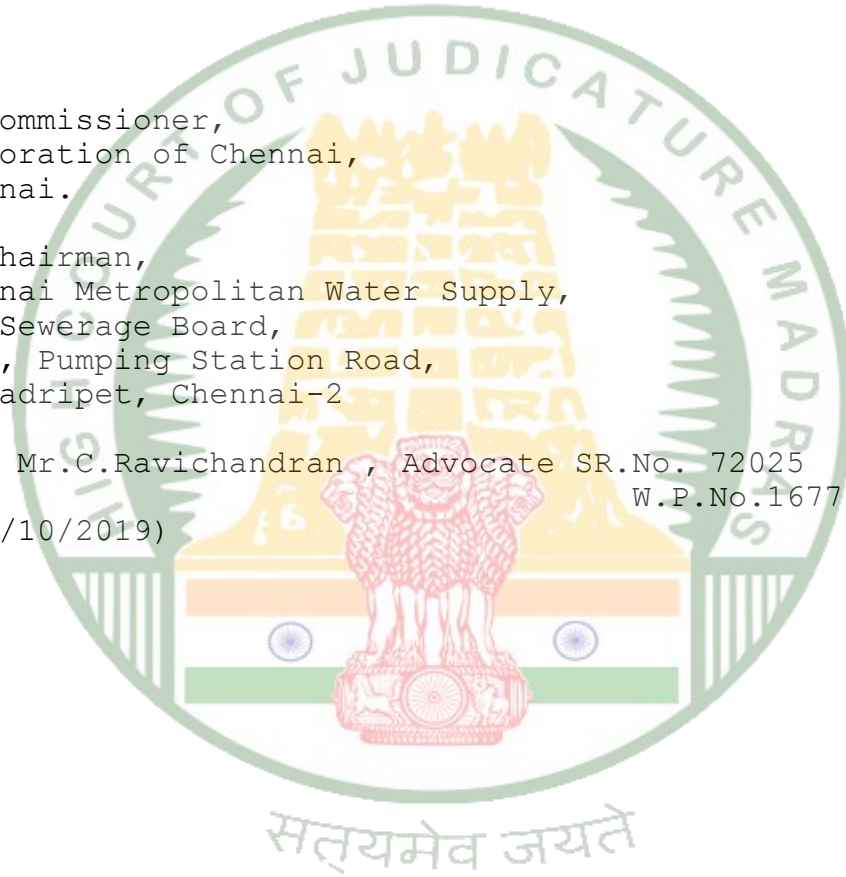
Sub Assistant Registrar

tta
To.

1.The Commissioner,
Corporation of Chennai,
Chennai.

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

+1cc to Mr.C.Ravichandran , Advocate SR.No. 72025
W.P.No.16777 of 2011
A.SK(10/10/2019)



WEB COPY