

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.36198 of 2007

and

M.P.No.1 of 2007

R.Sivakumar

...Petitioner

Vs.

1.The Commissioner
Madhavaram Municipality Office
Madhavaram
Chennai 600 051

2.The Assistant Engineer
Chennai Metro Water Supply and
Sewerage Board, Metershed
Kilpauk Water Works Campus
New Avadi Road
Chennai-10

3.The Junior Engineer
Chennai Metro Water Supply and
Sewerage Board, Division 50
Area IV, Circular Road, II Cross St
Corp. Unit Office Campus
Jawahar Nagar, Chennai-82

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call the impugned letter dated 27.11.2007 issued by the 3rd respondent and quash the same as illegal, improper and thereby direct the 3rd respondent not to disconnect the water and sewerage connection to the petitioner residence till getting water and sewerage connection from the 1st respondent.

For Petitioner : Mr.D.C.Muthu Shanthan - No Appearance
For Respondents: Mr.I.David Singh

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call the impugned letter dated 27.11.2007 issued by the 3rd respondent and quash the same as illegal, improper and thereby direct the 3rd respondent not to disconnect the water and sewerage connection to the petitioner residence till getting water and sewerage connection from the 1st respondent.

2.The learned counsel for the petitioner would submit that the petitioner purchased a house site in the year 1999 and to construct the house, the petitioner approached the 2nd and 3rd respondents for necessary approval for getting water and sewerage connection in the year 1999. The 3rd respondent after careful verification, fixed the assessment to the water and sewerage tax as Rs.2,785/- and right from the connection, the 3rd respondent collected the taxes till 8th March 2008. Thereafter, without any notice or intimation the revenue authorities of Chennai Corporation has cancelled the property tax of the petitioner as the location of his residence comes under the Madhavaram Municipality. Therefore, the 3rd respondent took steps to disconnect the water and sewerage connection through its letter dated 24.09.2007.

3.The learned counsel for the petitioner would further submit that the petitioner challenged the said impugned letter by filing a petition in W.P.No.31656 of 2007. The said Writ Petition was allowed by this Court with a direction to approach the 1st respondent to get the water and sewerage connection within 60 days. In pursuant to the above said order, the petitioner made a representation dated 16.10.2007 to the 1st respondent, the same was not considered by the 1st respondent. Thereafter, the 3rd respondent issued a letter dated 27.11.2007 to the petitioner stating that they are disconnecting the water and sewerage connection as per the direction of this Court. Aggrieved by the said letter, the petitioner is before this court for appropriate relief.

4.Mr.I.David Singh, learned standing counsel appearing for the respondents would submit that as per the direction of this Court in W.P.No.31656 of 2007, the petitioner's water and sewerage connection has been restored on

05.12.2014 vide application No.5413 dated 07.11.2013.

5.In view of the above submissions made by the learned standing counsel appearing for the respondents, nothing survives in this writ petition for further adjudication. Accordingly, this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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Chennai 600 051

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+1cc to Mr.I.David Singh , Advocate SR.No. 45906

W.P.No.36198 of 2007
and
M.P.No.1 of 2007

jp (CO)
A.SK(08/07/2019)
A.SK(24/07/2019)