

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.17845 of 2009

and

M.P.No.1 of 2009

G.K.Saga's Complex Residents Welfare Association
No.11, South Mada Street
Mylapore, Chennai 600 004
Represented by its Secretary
K.Thiagarajan S/o.M.P.Kuppuswamy Iyer

...Petitioner

Vs.

1.Chennai Metropolitan Water Supply and Sewerage Board
Represented by its Chairman and Managing Director
No.1, Pumping Station Road
Chintadripet, Chennai-2

2.The Superintending Engineer
Chennai Metropolitan Water Supply and Sewerage Board
Division 10 Indira Nagar, Chennai-20

3.Assistant Engineer
Chennai Metropolitan Water Supply and Sewerage Board
Mandavelipakkam
Chennai-28

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to provide separate water supply connection exclusively for the residential flats at door No.11, Kabaleeshwarar South Mada Street, Mylapore, Chennai-4 as per the application dated 28.08.2009 made by the petitioner.

(Prayer amended as per order dated 18.11.2009 by KCJ in MP.No.2/2009 in W.P.No.17845 of 2009)

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.N.Ramesh

ORDER

The writ petition has been filed by the petitioner for issuance of writ of Mandamus, directing the respondents to provide separate water supply connection exclusively for the residential flats at door No.11, Kabaleeshwarar South Mada Street, Mylapore, Chennai-4 as per the application dated 28.08.2009 made by the petitioner.

2.The petitioner Association is a registered association with Reg.No.268/2007 which consists of the residents in the building called G.K.Saga's Complex. The building is constructed over an extent of 2 grounds and 1054 sq. ft. of land comprised in S.No.3107/3, Mylapore Village, bearing Door No.11 Old No.4, Mylapore. The building consists of ground plus 3 floor, The ground floor consists of 16 premises for commercial purpose namely shops. The first, second and third floor consists of the residential flats numbering about 12 dwelling units. The petitioner association consists of the members who are residents

in the said building. All the 12 dwelling units are assessed to the property tax and based on the same, the water charges and sewerage charges are collected for each residential units. All the residents have paid the water tax and water charges up to date without any arrears. While so, the 3rd respondent issued a letter dated 25.08.2009 to disconnect the water connection which was provided by the respondents to the petitioner's building as the three persons who are not the members of the Association and occupying the commercial premises in the ground floor have not paid the water charges and water tax and they are in arrears. Hence, the above said impugned letter for disconnection has been issued.

3.The learned counsel for the petitioner would submit that the promoter of the flat namely Saga's Construction while obtaining the water connection to the said building have obtained a single water and sewerage connection to the whole building though the occupants are many in number. In view of the default of few errant person, the other residents are put to great hardship. Hence, they have made a representation to the respondents on 02.06.2009 and the same was not considered by the respondents till date. Hence, prays for appropriate relief.

4.Mr.N.Ramesh, the learned counsel appearing for the respondents would concede the request of the petitioner's association and would submit on instructions that the authorities will pass appropriate orders on the representation dated 25.08.2009 made by the petitioner association.

5.Considering the limited prayer sought by the petitioner, this court is inclined to issue a direction to the respondents to consider the representation of the petitioner's association dated 25.08.2009 on merits and in accordance with law. For ready reference, the petitioner's association is hereby directed to send a copy of the representation dated 25.08.2009 along with the copy of this order. Till such time, the respondents are directed not to take any coercive action or steps against the petitioner in disconnecting the water connection.

6.This writ petition stands dispose of accordingly. No costs. Consequently, connected miscellaneous petition stands closed.

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06.06.2019

To

1.Chennai Metropolitan Water Supply and Sewerage Board
Represented by its Chairman and Managing Director
No.1, Pumping Station Road
Chintadripet, Chennai-2

2.The Superintending Engineer
Chennai Metropolitan Water Supply and Sewerage Board
Division 10 Indira Nagar, Chennai-20

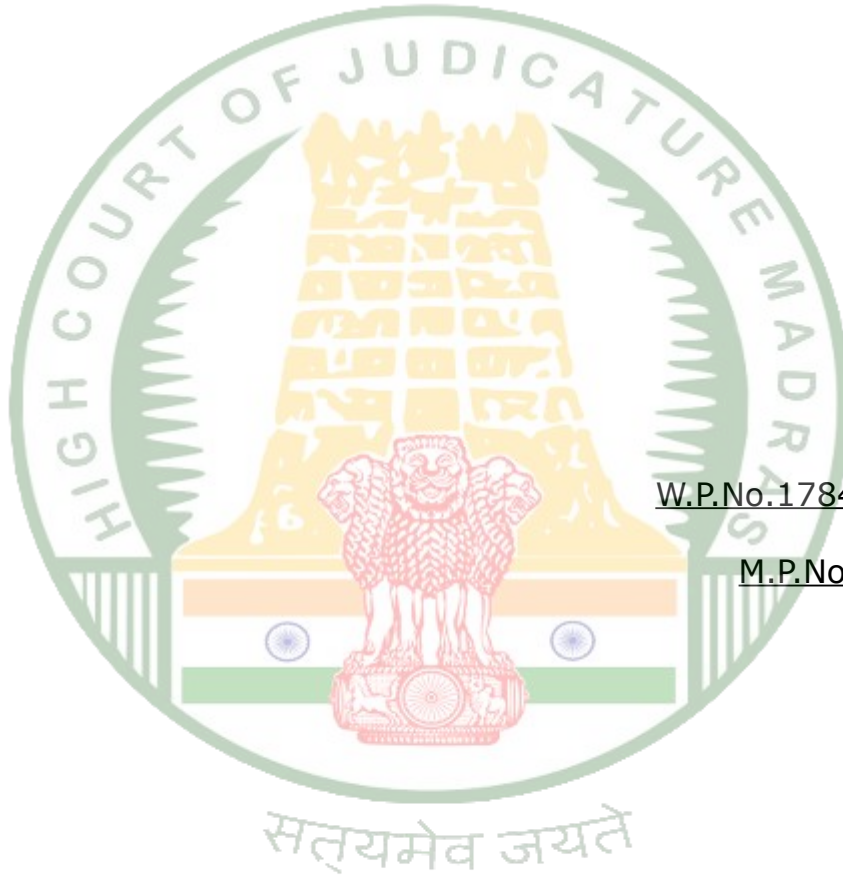
3.Assistant Engineer
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M.DHANDAPANI, J.

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