

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.10834 of 2019

N.Babu Ganesh ... Petitioner

vs.

1. The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secretariat, St.George Fort,
Chennai - 600 009.

2. The Collector,
Tiruvallur District,
Tiruvallur.

3. The Commissioner,
Avadi Municipality,
'A' Grade Municipality,
Avadi, Chennai - 600 054.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents to give proper water supply and drainage connection to the public of Avadi under the administration of Avadi Municipality within the stipulated time.

For Petitioner : Mrs.R.Meenakshi

For Respondents : Mr.E.Manoharan
AGP (for R1 & R2)
Mr.P.Srinivas (for R3)

ORDER

(Order of the Court was made by SUBRAMONIUM PRASAD, J)

This public interest litigation has been filed by a resident of Avadi Municipality and he has prayed for a writ of mandamus,

directing respondents to give proper water supply and drinking water connection to people who are living in Avadi Municipality.

2. The petitioner states that there are 48 wards in the Avadi Corporation. The petitioner states that once the municipality came into exists, basic amenities like drinking water, drainage, road, canal, electricity facilities in Avadi, which were being maintained by Tamil Nadu Housing Board, were handed over to the Avadi Municipality. The petitioner states that a sum of Rs.103 Crores has been sanctioned under Jawaharlal Nehru National Urban Renewal Mission for Metro water works in Avadi Municipality area. According to the petitioner because of this programme, nearly 55 thousand houses will get water connection from the scheme. The petitioner states that despite the assurance made way back in 2007, people in the area are facing difficulties for drinking water and water is being supplied at very high cost. The petitioner states that the metro water facilities have not yet been provided to the people in Avadi.

3. According to the petitioner he had sent representation on 18.07.2018 to the District Collector, Thiruvallur, bringing out difficulties faced by the people, but no action has been taken so far. The petitioner would state that the water table of the area is fast depleting. Water is not even found at a depth of 900 feet. The petitioner has therefore prayed for a writ of mandamus, directing the respondents to ensure proper supply of water to Avadi Municipality.

4. On notice the municipality has filed its counter. It is stated by the respondents that the water supply scheme have been implemented through Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB). Contract work have been completed with regard to water supply scheme and connections have been given to 273 houses. It is stated that at the moment, no applications are pending for the issue of the House Service Connections.

5. It is also stated that supply of the drinking water has not commenced since allocation of the water from the Red Hills reservoir is not available. It is stated that only when water is available, drinking water can be supplied to the people of Avadi Municipality.

6. Heard the learned counsel for the parties, who have reiterated the contentions made in the writ petition and the counter affidavit.

7. The Court can take judicial notice of the fact that monsoons have failed. There is no water available. In the light of the fact that there is no water available, it cannot be

expected that CMWSSB, be able to supply water to the people in Avadi Municipality. Nothing has been produced by the petitioner to substantiate that applications for water connections are pending with the Avadi municipality. As and when water is available in the Avadi Municipality, water will be supplied.

8. This Court cannot issue a mandamus as prayed for, when there is no water available in the Avadi Municipality. The writ petition has no merits. Hence, the writ petition is dismissed. No Costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

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Tiruvallur.

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Avadi, Chennai - 600 054.

+1 cc to M/s.R.Meenakshi, Advocate, S.R.No.45716

+1 cc to M/s.P.Srinivas, Advocate, S.R.No.45125

+1 cc to the Government Pleader, S.R.No.45342

NRJK(CO)
SSM(03/07/2019)

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