

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6665 of 2020

K.Prabhakaran

..Petitioner

vs

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.

2.Zonal Corporation Officer,
Shop No.24,
Jaganathan Street, Agaram,
Perambur, Chennai,
Tamil Nadu 600 082.

3.Chennai Metropolitan Water
Supply and Sewage Board,
No.1 Pumping Station Road,
Chintadripet,
Chennai 600 002.

4.P.Arul Das

... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider petitioner representation dated 10.12.2019 within the time period fixed by this Court and consequently directed to the respondents to take necessary action against said 4th respondent and protect petitioner property from the leakage of drainage water into petitioner house early as possible.

For Petitioner : Mr.G.Muruganandam

For R 1 & R 2 : Mrs.Karthika Ashok
Standing Counsel

For R 3 : Mr.C.Vigneswaran

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the Corporation of Chennai to act on the representation made by the petitioner on 10.12.2019.

2.The case of the petitioner is that he is living in the first floor and there is a leakage from the bathroom in the 2nd floor which belongs to the 4th respondent. According to the petitioner, this leakage is causing a major damage to his property and in spite of his request, the 4th respondent has not made any repairs. Therefore, the petitioner has made a representation to the Corporation of Chennai on 10.12.2019, to take appropriate action against the 4th respondent.

3.Heard Mr.G.Muruganandam, learned counsel appearing for the petitioner and Mrs.Karthika Ashok, learned Standing Counsel appearing on behalf of the respondents 1 & 2.

4.In the considered view of this Court, this is a dispute which can be resolved only before the Competent Civil Court. It is true that the respondents are giving water and sewage connection for both the petitioner and the 4th respondent. If there is a leakage from the 2nd floor belonging to the 4th respondent into the property of the petitioner in the 1st floor, that cannot be resolved by the Corporation of Chennai and it is purely a private dispute between the petitioner and the 4th respondent. The petitioner has to necessarily go before a Competent Civil Court and agitate his rights. In the considered view of this Court, the official respondents will have no role to play with the nature of dispute that has been put forth before this Court.

5.In view of the above, this writ petition is disposed of by giving liberty to the petitioner to workout his remedy against the 4th respondent before a Competent Civil Court.

This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1.The Commissioner,
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Chennai 600 002.

+1cc to Mr.C.Vigneswaran, Advocate, S.R.No.23174

+1cc to Mr.Karthikaa, Advocate, S.R.No.23242

+1cc to Mr.G.Muruganandan, Advocate, S.R.No.23438

W.P.No.6665 of 2020

BR(CO)
RN(27/05/2020)



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