

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM: THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.9272 of 2020
and WMP.No.11302 of 2020

R.K.Baghavathi Raj

... Petitioner

Vs.

1. The Principal Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai - 600 009.
2. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
3. The Superintendent Engineer - BRR
Greater Chennai Corporation
Amma Maligai
Rippon Building
Chennai - 600 003.
4. The Executive Engineer
Zone - 10
Greater Chennai Corporation
117, NSK Salai
Kodambakkam
Chennai - 600 024.
5. The Area Engineer
Zone - 10
CMWSSB
No.9, Muthukrishnan Street
T.Nagar, Chennai - 600 017.

..... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to grant extension of time granted in the order dated 18.2.2020 by another ten months for carrying out the internal rectification activities in the petitioner's building at Door No.1, MIG Block, PT Rajan Salai,

K.K.Nagar, Chennai - 600 078, for fully complying with the order dated 1.4.2019 passed by the first respondent authority and consequently direct the respondents 2 to 5 to grant permanent water supply and sewerage connection to the petitioner's building, within such time to be fixed by this Court.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.E.Balamurugan
Special Government Pleader [R1]
Mr.M.Ganesan [R2 to R4]

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the first respondent to grant extension of time to enable the petitioner to do the rectification in his property and thereafter, to apply for the revised plan.

2. It is seen from the records that the first respondent vide letter dated 11.02.2020, had informed the Chennai Metropolitan Development Authority that the Appeal Committee had resolved to permit the petitioner to make rectifications in his property and to submit a revised plan within a stipulated time. As per the letter, the time granted to the petitioner was a period of three months.

3. According to the petitioner, he was not able to carry out the rectifications within the time stipulated by the first respondent, due to the pandemic situation and therefore, the petitioner was seeking for extension of time, in this writ petition.

4.1 When the matter was taken up today, the learned counsel for the petitioner submitted that the petitioner had carried out almost all the rectification works in the building and that he would require another 30 days time to complete the same, and to submit the revised plan before the CMDA.

4.2. The learned counsel also made submissions with regard to the manner in which the Corporation had inspected his property, treating it as a commercial property and levied huge taxes, though his property had neither been used by the petitioner as a commercial property nor for any other purpose. According to him, the petitioner had paid all necessary charges for water and sewerage, but till date, no water supply and sewerage connection has been provided to him. Therefore, the learned counsel also wanted the Court to give directions to the Corporation of Chennai to provide water supply and sewerage connection to the petitioner's building.

5. The learned counsel appearing on behalf of the respondents 2 to 4 submitted that the Corporation officials had carried out the inspection at the petitioner building and found that the rectifications had not been done by the petitioner in his building. He further submitted that unless and otherwise the construction is regularised by the Chennai Metropolitan Development Authority, there is no question of providing water supply or sewerage connection to the petitioner's building.

6. This Court does not want to go into the issue as to whether the petitioner had properly carried out the rectifications and also the manner in which the petitioner's property was treated by the Corporation of Chennai, for the purpose of levying taxes. In the considered view of this Court, the construction put up by the petitioner had to be regularised and only thereafter, the petitioner will be entitled to get water supply connection and sewerage connection. For this purpose, the petitioner must carry out the rectifications and submit a revised plan before the Chennai Metropolitan Development Authority. The Chennai Metropolitan Development Authority, Chennai will have to consider the revised plan and satisfy themselves that the petitioner had carried out all the rectifications and the building is in conformity with the plan.

7. In view of the above, the time granted to the petitioner by the first respondent vide its letter dated 11.02.2020, to do the rectification is extended for a further period of thirty days from today. Immediately, thereafter, the petitioner shall submit the revised plan before the Corporation of Chennai. At the time of submission of the revised plan, it is always open to the Corporation of Chennai to satisfy themselves as to whether the petitioner had carried out all the rectifications. All the other requirements as contained in the letter dated 11.02.2020 will remain in force/unaltered.

8. With the above directions, this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Principal Secretary to Government
Housing and Urban Development Department
Secretariat
Chennai - 600 009.
2. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
3. The Superintendent Engineer - BRR
Greater Chennai Corporation
Amma Maligai
Rippon Building
Chennai - 600 003.
4. The Executive Engineer
Zone - 10
Greater Chennai Corporation
117, NSK Salai
Kodambakkam
Chennai - 600 024.
5. The Area Engineer
Zone - 10
CMWSSB,
No.9, Muthukrishnan Street
T.Nagar, Chennai - 600 017.

+lcc to M/s.M.Ganesan, Advocate in Sr.No.28112
+lcc to the Government Pleader in Sr.No.28150

W.P.No.9272 of 2020

bp (co)
rr ii (04/09/2020)

WEB COPY