



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 15.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.10695 OF 2012

Anand Square Flat Owners Welfare
Association Regn.No.72/2005)
Rep.by its President, P.M.Rangarajan
No.36, Govindan Road, West Mambalam
Chennai 600 033.

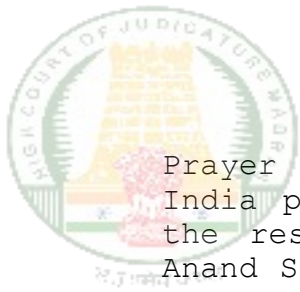
...Petitioner

Vs

- 1.The Chairman
Chennai Metro Water Supply and
Sewerage Board, No.1, Pumping Station Road
Chintadripet, Chennai - 600 002.
- 2.The Divisional Engineer
Chennai Metro Water Supply and Sewerage
Board, New Division No.140, Old Division No.133
New Zone X, Old Zone IX, No.15, V.V.Koil Street
Saidapet, Chennai 600 015.
- 3.The Area Engineer
Chennai Metropolitan Water Supply and
Sewerage Board, Area-X, No.9, Muthukrishnan
Street, Chennai - 600 017.
- 4.S.Sridharan
- 5.R.Krishnamurthy
- 6.K.R.Ramanathan
- 7.J.Padmabhan
- 8.M.Jayaraman
- 9.S.Gayathri Priya

(Respondents 4 to 9 impleaded as per order
dated 27.04.2012 by RSJ in MP 1 of 2012)

...Respondents



Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to give metro water connection to the Anand Square Apartment Complex situated at No.36, Govindan Road, West Mambalam, Chennai-600033, by laying new line or shifting or repairing the existing line through the common passage leading from No.36/1, Dr.Govindan Road to the Anand Square Apartment Complex within a stipulated time.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.T.Gowthaman, Standing Counsel
for RR 1 to 3
Ms.C.Uma - for RR 4 to 9

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents herein to give metro water connection to the Anand Square Apartment Complex situated at No.36, Govindan Road, West Mambalam, Chennai, by laying new line or shifting or repairing the existing line through the common passage leading from No.36/1, Dr.Govindan Road to the Anand Square Apartment Complex within a stipulated time.

2. The petitioner is the apartment welfare association called Anand Square Apartment Complex Flat Owners Association at No.36, Govindan Road, West Mambalam, Chennai. According to the petitioner, the members of the petitioner association are having flats in the apartments called Anand Square Apartment Complex, where already there has been a water connection given, on payment, by the respondents ie., Chennai Metro Water Supply and Sewerage Board (In short 'the Board'). However, it is the grievance of the petitioner that, the members of the petitioner association are not getting water properly through the said line already laid because of which they want to rectify it by re-laying the pipeline in order to make a permanent solution to provide uninterrupted water supply to the apartments concerned. In this regard, they have given a representation on 03.03.2012 to the Area Engineer of the respondent ie., third respondent herein and since he has not considered the said representation, the petitioner has approached this Court by way of filing this writ petition.

3. Heard Mr.S.Senthilnathan, learned counsel for the petitioner, who, after having reiterated the aforesaid submission, would submit that, the petitioner association representing number of flat owners, since is suffering for a number of years without getting proper water supply though the pipeline which is already available, for which necessary payment



has been made to the Board and therefore in order to rectify the same by laying alternative pipeline, the petitioner though made representation after representation, nothing has come forward. Therefore, at least the present representation dated 23.03.2012 can be directed to be considered objectively by giving an opportunity of hearing to the petitioner and accordingly the Board shall take a decision and execute the same in the manner known to law.

4. Per contra, Mr.T.Gowthaman, learned Standing Counsel appearing for the Chennai Metro Water Supply and Sewerage Board would submit that, the pipeline connection has already been given, however now they want to lay pipeline in the alternate route and in respect of the said alternative route or land is concerned, there has been a rival claim made by the private respondents herein as there has been a passage through which the private respondents can reach their doors and hence they are making objections.

5. On the other hand, Ms.C.Uma, learned counsel appearing for the private respondents, on instructions, would submit that, in this regard there has been a civil dispute for which there is a Civil Court order by VII Assistant Judge, City Civil Court, Chennai in O.S.No.329 of 1998 by an order dated 16.11.2004, as per which, the petitioner association cannot have the right to lay pipeline, as they desire, in the particular land, which is a passage being used by the private respondents. Therefore, the private respondents raised objections to the proposed pipeline as sought for by the petitioner.

6. I have heard the rival submissions made by the parties and have perused the materials placed on record.

7. The controversy raised herein is as to who is the owner of the land through which the alternative pipeline is sought to be laid in order to provide uninterrupted water supply to the flats of the petitioner association and the same cannot be decided by this Court, as it is a complete factual matrix. Therefore, this Court feels that the matter can be relegated to the respondent Board to decide the representation of the petitioner dated 23.03.2012 after giving an opportunity of being heard to the petitioner association as well as the private respondents, in the manner known to law.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

9. That there shall be a direction to the second respondent to consider the representation of the petitioner dated 23.03.2012 by giving an opportunity of being heard to both the



petitioner as well as the private respondents by giving separate notices intimating the date of hearing and after giving such an opportunity, the said representation can be disposed of in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

10. It is made clear that since the representation is of the year 2012, a copy of the same shall be forwarded by the petitioner association to the second respondent within two weeks from the date of receipt of a copy of this order and thereafter the needful as indicated above shall be undertaken by the second respondent within the time stipulated.

11. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

KST

To

- 1.The Chairman
Chennai Metro Water Supply and
Sewerage Board, No.1, Pumping Station Road
Chintadripet, Chennai - 600 002.
- 2.The Divisional Engineer
Chennai Metro Water Supply and Sewerage
Board, New Division No.140, Old Division No.133
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- 3.The Area Engineer
Chennai Metropolitan Water Supply and
Sewerage Board, Area-X, No.9, Muthukrishnan
Street, Chennai - 600 017.

+1cc to Mr.T.Gowthaman, Advocate SR.No.58905

+1cc to Mr.S.Senthilnathan, Advocate SR.No.58642

W.P.No.10695 of 2012

CA(CO)
RVM(07/12/2021)