



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. No.927 of 2021
& W.M.P. Nos.1016 & 1021 of 2021

Thiru.V.G.Venkatesan,

...Petitioner

Vs.

1. The Secretary to the Government,
Municipal Administration and Water
Water Supply Department,
Secretariat,
Chennai-600 009.
2. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSBB),
No.1, Pumping Station Road,
Chintadripet,
Chennai-600 002.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
4. Chennai Metropolitan Development Authority (CMDA)
Rep. by its Member Secretary,
Thalamuthu Natarajar Maaligai,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to provide the piped Metro Water Supply, Under Ground Sewerage System, Bituminous Tar Roads and Street Lights and Rain Water Drainage Facility to the street of petitioner's house in Sri City layout, Kallikuppam in Ward No.79 and Metro Water Division No.82 of the Zone-VII (Ambattur) in Greater Chennai Corporation area in accordance with law.



WEB COPY

For Petitioner : Mr.Abubacker Sidhic

For Respondent 1 : Mr.A.Selvendran,
Government Advocate

For Respondent 2 : Mr.C.Vigneswaran,
Standing Counsel

For Respondent 3 : Ms.P.T.Ramadevi,
Standing Counsel

For Respondent 4 : Mr.Karthick Rajan

O R D E R

This writ petition has been filed for issue of writ of mandamus directing the respondents to provide water supply and sewage connection and to lay down the road and also provide Rain water drainage facility to the locality situated at Sri City Layout, Kallikuppam in Ward No.79, Division No.82 of the Zone-VII (Ambattur) in Greater Chennai Corporation Area.

2.The grievance of the petitioner is that the layout was approved in the year 2004 and the property in question abuts Ambattur/Red Hills Road on its Southern side. The places earmarked for putting up the road was also handed over to the local body through a gift deed dated 13.02.2004 registered as Document No.466 of 2004. It is stated that the water connection and sewage connection was not provided for the said layout and the petitioner and others have been continuously following up with the respondents which did not yield any result. In the meantime, the 3rd respondent made arrangements to lay a Tar Road even before the completion of the water and sewage connection. Aggrieved by the same, the present writ petition was filed before this Court.

3.When the matter was admitted on 19.01.2021, this Court passed the following interim order:

Mr.Annai Ezhil, learned Government Advocate takes notice for the first respondent. Mr.Vigneshwaran takes notice for the second respondent. Mrs.Rama Devi, learned Standing Counsel takes notice for the Corporation/third respondent. Mr.Karthik Rajan, takes notice for the fourth respondent.

2. This writ petition is filed for a direction, directing the respondents to provide the piped Metro Water Supply, Under Ground Sewerage System, Bituminous tar roads and street lights and rain water drainage



WEB COPY

facility to the street of petitioner's house in Sri City lay out, Kallikuppam in Ward No.79 and Metro Water Division No.82 of the Zone VII (Ambattur) in Greater Chennai Corporation area, in accordance with law.

3. Learned counsel appearing for the petitioner submits that though the layout was approved in the year 2004 and the buildings have been constructed long back, the Corporation has not provided any water connection and Sewerage connection. But however, intending to lay the thar road alone. Without completing the sewerage connection and the water supply connection even if the road is laid, it would be again destroyed for the purpose of laying the water connection. Therefore, sought for interim injunction not to continue with any partial road laying works in the petitioner's house locality, viz., Sri City lay out, before receiving the appropriate "Works Completion Certificate" from the second respondent.

4. In view of the above facts, there shall be an order of interim injunction, in W.M.P.No.1021 of 2021, in respect of the road work alone. Notice.

5. Mr.S.Abubacker Sidhic is directed to serve the copies of the petition and affidavit to the respective respondent counsel.

6. Post on 15/2/2021.

4.The 2nd respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted here under:

16.I submit that the CMWSS Board has already drawn proposal for laying of both water and sewer main pipeline to the said layout area to supply water through piped supply and to dispose the sewer water discharged by the houses located in Sri City Lay out area and the same is to be approved by the Board/Government.

17.I submit that as soon as the proposal with estimate submitted for approval and sanction of fund by the competent authority, the work will be commissioned and to be completed by the Board during the financial year 2021-22.



WEB COPY

18.I submit that the Petitioner was already informed by the Board on 09.03.2015 that the provision of drinking water and sewerage disposal services to the Petitioner's Sri City Lay out area will be carried out in a phased manner and can not to be under taken as a part in the ongoing works but had confirmed that the scheme works to the petitioner's location will be taken up separately after approval of the Board with sanctioning of sufficient fund by the Government of Tamil Nadu under the Mega City Development Fund Scheme.

19.I submit that the petitioner's averments made in the affidavit is totally denied by the Respondent Board. It is further submitted that estimate has been prepared by the Board but the administrative and technical sanction along with provision of fund from the Competent authority is awaited.

20.I submit that the officials of both the Greater Chennai Corporation and the CMWSS Board shall conduct the co-ordination meeting as and when required and to discuss all the civic issues during the meeting regarding action to be taken to resolve the issues while execution of works carried out by both the departments.

21.I submit that various number of information were sought for by the Petitioner under RTI Act has been already furnished by the Respondent Board with explaining the implementation of water supply and sewerage services by the Board to the Petitioner's Sri City Lay out area is only depending on the sanction of fund by the Government of Tamil Nadu. But the Petitioner has not convinced with the reply furnished by the Board but continuously blaming the officials of the Greater Chennai Corporation and CMWSS Board wantonly delayed to the provision of piped water supply and disposal of sewerage water by the Board. Now the petitioner has filed the writ petition before the Hon'ble Court and prayed for to issue directions to the CMWSS Board and Greater Chennai Corporation to provide all basic amenities to the people are living in the Sri City Lay out area in Kallikuppam, Ambattur, Chennai-53.

22.I submit that the present status of the provision of piped water supply and disposal of sewer water services to the petitioner's location, the estimate already prepared and submitted for approval and sanction by the competent authority is awaited. As



WEB COPY

soon as the proposal with estimate submitted for approval and sanction of fund by the competent authority, the work will be commissioned and to be completed by the Board during the financial year 2021-22.

23.I submit that the Petitioner was already informed by the Board on 09.03.2015 that the provision of drinking water and sewerage disposal services to the Petitioner's Sri City Lay out area will be carried out in a phased manner and can not to be under taken as a part in the ongoing works but had confirmed that the scheme works to the petitioner's location will be taken up separately after approval of the Board with sanctioning of sufficient fund by the Government of Tamil Nadu under the Mega City Development Fund Scheme.

24.I submit that the provision of water and sewer connection services to the applicant's house is not feasible since the petitioner's house is located with a distance of 500 meters from the Board's existing water and sewer main pipe lines are available at Korattur to Redhills Main Road and hence the new pipe laying work will be carried out by the Board to effect new water and sewer connections to the Petitioner's houses located in Sri City Lay out area in Kallikuppam, Ambattur, Chennai-53.

25.I submit that Respondent Board being supplied drinking water through mobile tanker lorries under "2.0" dial for water new scheme was introduced by the Board as and when required by the local residents are living in the petitioner's area in addition to supplying of water through 3000 litres capacity Syntex tanks installed in the streets where ever necessary in Depot-79 and 82 in Area-VII.

5.The 4th respondent has also filed a counter affidavit and it is seen that the layout in question was an approved layout and the sanction was granted as early as in the year 2004.

6.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

7.By virtue of the interim orders passed by this Court, the laying of road by the 3rd respondent was enjoined by this Court after taking into consideration the fact that there will be no use in laying the road without completing the water and sewage connection. The counter affidavit filed by 2nd respondent shows that the Board has already drawn a proposal for laying of the



water and sewer pipe line and the same has been sent for approval for sanctioning of funds before the 1st respondent and it is pending before the 1st respondent.

8. It is clear from the above that there is light at the end of the tunnel for the residents of the layout and there is hope that they will get the water and sewage connection. Only after the completion of the same, the 3rd respondent should take steps to lay the road.

9. In view of the above, there shall be a direction to the 1st respondent to act upon the approval/sanction submitted by the 2nd respondent and grant necessary approval, within a period of six weeks from the date of receipt of copy of this order. Thereafter, the 2nd respondent shall immediately undertake the work of providing the water and sewerage connection to the layout and the entire work shall be completed, within a period of four months from the date of the approval/sanction granted by the 1st respondent. On completion of the work, the 3rd respondent shall thereafter lay the Tar Road.

10. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr/mka

To

1. The Secretary to the Government,
Municipal Administration and Water
Water Supply Department, Secretariat,
Chennai-600 009.
2. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSBB),
No.1, Pumping Station Road,
Chintadripet,
Chennai-600 002.



3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.

WEB COPY

4. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarajar Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

+1cc to Mr.Karthick Rajan , Advocate, S.R.No.48757
+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.48752
+1cc to Mr.S.Abubacker Sidhic, Advocate, S.R.No.48348
+1cc to the Government Pleader, S.R.No.49055,48539

W.P. No.927 of 2021
& W.M.P. Nos.1016 & 1021 of 2021

MG[co]
NSK 20/10/2021