

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.02.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.1853 of 2021
and
W.M.P.No.2089 of 2021

T.K.Ashraf

..... Petitioner

vs.

1. The Assistant Engineer,
CMWSSB, Depot No.170, Balaji Nagar,
1st Main Road,
Ekkatuthangal,
Chennai - 600 097.

2. The Managing Director,
CMWSSB, No.1, Plumbing Station Road,
Chindatripet,
Chennai - 2.

..... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to effectuate the drainage connection to the petitioner's premises bearing No.150/1, New No.46/1 Mount Road, Saidapet, Chennai - 15 forthwith.

For Petitioner ... Mr.V.Manohar

For Respondents ... Mr.P.K.Panneer Selvam,
Standing Counsel.

O R D E R

This Writ Petition is filed for a Mandamus to direct the respondents to effect drainage connection to the petitioner's premises bearing No.150/1, New No.46/1 Mount Road, Saidapet, Chennai - 15.

2. The case of the petitioner is that he is the owner of the land of the above said property and he has purchased the same by registered document in the year 2013. He is also running a tea shop in the said premises. The petitioner was facing certain disturbance from his neighbour one Stephen Pushparaj and

he has also filed a suit in O.S.No.5777/2019 before the First Assistant Judge, City Civil Court, Chennai, and also obtained an order of interim injunction against the said Stephen Pushparaj. While so, all of a sudden, the respondents, at the instance of Stephen Pushparaj, inspected the premises of the petitioner and disconnected the drainage connection and also issued a notice dated 02.11.2020 directing him to apply for new water and sewerage service connection by paying necessary fees to CMWSSB. As per the notice dated 02.11.2020, the petitioner also made an application along with necessary fees on 04.11.2020, but the same has not been considered so far. Hence, the petitioner is before this Court.

3. Mr.P.K.Paneerselvam, learned Standing Counsel for CMWSSB has taken notice for the respondents and would submit that the water and sewerage connection which was provided to the premises of the petitioner was already disconnected and he has been illegally using the sewerage connection and on routine inspection, it was noticed and the illegal connection was disconnected. With regard to consideration of the petitioner's application dated 04.11.2020 seeking for new sewerage connection, learned Standing Counsel, on instruction, would submit that there is due of Rs.5 lakhs and odd from the erstwhile owner of the property and therefore, on payment of the said amount alone, the application of the petitioner will be considered.

4. Mr.V.Manoharan, learned counsel for the petitioner submitted that the petitioner is in occupation of the property from the year 2013 and there is no such demand from the respondent Board demanding any such amount as claimed by the Board. Even in the notice dated 02.11.2020, there is no whisper about the alleged outstanding due in respect of petitioner's property. Further, he would submit that this disconnection is made, at the instance of one Stephen Pushparaj, a neighbour of the petitioner, with whom, he is having civil dispute.

5. Without expressing any view on the rival submissions made, this Court is inclined to allow this writ petition by directing the respondent Board to consider the application of the petitioner dated 04.11.2020 and pass orders on the same on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

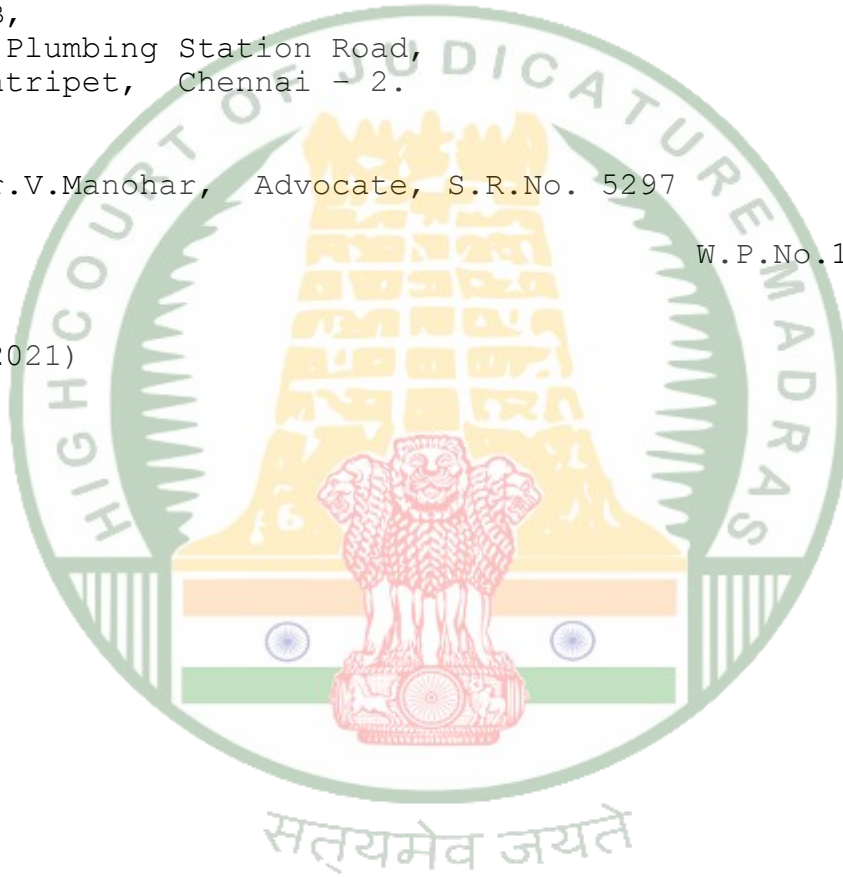
1. The Assistant Engineer,
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Chennai - 600 097.

2. The Managing Director,
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Chindatripet, Chennai - 2.

+1cc to Mr.V.Manohar, Advocate, S.R.No. 5297

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