



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.21683 of 2018

K.Yuvarajan

...Petitioner

Vs

- 1.The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chennai - 600 002.
- 2.The Superintendent Engineer (North East),
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chennai - 600 002.
- 3.The Zonal Engineer
Chennai Metropolitan Water Supply and Sewerage Board,
Zone-4, Central Avenue,
M.K.B Nagar,
Chennai - 600 039.
- 4.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

...Respondents

Prayer : Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, seeking to direct the respondents 1 to 3 to make immediate arrangements for the supply of water in the 2 syntax tanks bearing No.1461 and 1888 situated at Thiruvalluvar Salai, Thanthai Periyar Nagar, Chennai.

For Petitioner : Mr.P.Rajkumar Pandian

For R1 to R3 : Mr.N.Ramesh

For R4 : Mr.K.M.D.Muhilan
Government Advocate

Mrs.R.Hemalatha,
Advocate Commissioner



ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 to make immediate arrangements for the supply of water in the 2 syntax tanks bearing No.1461 and 1888 situated at Thiruvalluvar Sale, Thanthai Periyar Nagar, Chennai.

2.The learned counsel for the petitioner would submit that the respondents 1 to 3 have stopped the water supply to the two syntax tanks situated at the petitioner's locality, stating that the syntax tanks are placed in the private place. Whereas, the syntax tanks are placed only in the public road and this Court has appointed an Advocate Commissioner to visit the place and ascertain as to the issue involved herein.

3.Mr.N.Ramesh, learned Standing Counsel appearing for the respondents 1 to 3 would submit that the respondents 1 to 3 have not stopped the supply of water to the syntax tanks placed at the petitioner's locality and they are continuously providing water to those tanks. Further, they does not get any intimation to stop the supply of water as contented by the learned counsel for the petitioner. Therefore, no further order is required in the present case.

4.Heard the learned counsel for the petitioner; the learned Standing Counsel appearing for the respondents 1 to 3 and the learned Government Advocate appearing for the fourth respondent.

5.Upon perusal of the materials available on record, it appears that, this Court has appointed an Advocate Commissioner vide order dated 24.08.2018, to visit the place and ascertain as to the issue involved in the present case. The Advocate Commissioner has filed a report dated 24.10.2018, stating that she inspected the place with the assistance of Sub Inspector (Revenue) and found that the two syntax tanks bearing No.1461 and 1888 are situated at two corners of the front portion of one Mrs.Besthu's Hut and more than 40 families depends water from the the said tanks. Further, she received the inspection report from the Sub Inspector (Revenue), which shows that the above said tanks are situated at S.No.1847/4, Plot No.32, Thondaiyarpeta, which comes under the classification of Government Poramboke land. Therefore, it is clear that the syntax tanks bearing No.1461 and 1888 are not situated in the private place. Further, the learned Standing Counsel appearing for the respondents 1 to 3 also submits that the respondents 1 to 3 have no intimation to stop the water.

6.In view of the above, no further orders is required in the present Writ Petition. Further, it is noted that a memo has been filed by the Advocate Commissioner seeking for additional



remuneration. Initially, while appointing Advocate Commissioner, this Court directed the petitioner to pay a sum of Rs.20,000/- as remuneration to the Advocate Commissioner. Now, the Advocate Commissioner seeks additional remuneration of Rs.15,000/-. Therefore, this Court directs the first respondent to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) as additional remuneration to the Advocate Commissioner within a period of two weeks from the date of receipt of a copy of this order.

7. In the result, with the above direction, this Writ Petition is disposed of.

Post the matter for reporting compliance on 16.12.2021.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

rst

To:

- 1.The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chennai - 600 002.
- 2.The Superintendent Engineer (North East),
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and Sewerage Board,
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and Sewerage Board,
Zone-4, Central Avenue,
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Chennai - 600 039.
- 4.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.



Copy To

Mrs.R.Hemalatha,
Advocate Commissioner,
E.No.2882/12
256, New Additional Law Chamber,
High Court Buildings,
Chennai - 600 104.
Mobile : 9444606997.

+1cc to M/s.P.Rajkumar Pandiyan, Advocate SR.No.59867

+1cc to the Government Pleader SR.No.60299

W.P.No.21683 of 2018

KSM(CO)
RVM(01/12/2021)