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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. NO. 13628 OF 2020

Haresh Kishor

..Petitioner

Vs.

1. The Managing Director,
Chennai Metropolitan Water Supply
And Sewerage Board,
No:1, Pumping Station Road,
Chintadriptet,
Chennai - 600 002.
2. The Area Engineer - XII,
Chennai Metropolitan Water Supply
And Sewerage Board,
No:1, New Street, Alandur,
Chennai - 600 016.
3. The Zonal Officer,
Zone - XII, (Alandur)
Greater Chennai Corporation,
No:1, New Street, Near GST Road,
Alandur,
Chennai - 600 016.
4. The Regional Deputy Commissioner (South)
Greater Chennai Corporation,
No:115, Dr. Muthulakshmi Salai,
Adayar,
Chennai - 600 020.
5. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
6. The Member Secretary
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.



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7. State of Tamil Nadu,
Represented by
the Inspector of Police,
S 8 Police Station, No:1, 1st Street,
New Colony Main Road, Adambakkam,
Chennai - 600 088.

8. Kesari Nagar Welfare Association,
Represented by its President,
TS.No. 156/A Ward-F,
Block No.12, 6th Street,
Kesari Nagar, Adambakkam,
Chennai 600 088.
Also at Door No: 18, 1st Floor,
Kesari Nagar, 6th Street,
Adambakkam, Chennai-600 088.

(R7,R8 impleaded Vide Order DT 08.04.2021 Made
in WMP.5385.2021 in WP.13628/2020)

...Respondents

Prayer: Writ petition is filed under Article 226 of the
Constitution of India, for issuance of a writ of mandamus,
directing the 1 to 3 respondents to forthwith provide road cut
and to extend water and sewerage service connections to the
premised at No.265/3, Town Survey No. 27/1A, Block No.17, Ward
'F' Inner Ring Road, Gandhi Street, Adambakkam, Chennai - 600
088.

For Petitioner : M/s.Ms. Josephine
for Mr.S.V.Pravin Rathinam

For Respondents : M/s.G. Janakiraman for R1 & R2
M/s.Karthika Ashok
Standing counsel for R3 to R5
M/s/ Tamizhmani
Standing counsel for R6.

O R D E R

This writ petition has been filed for the issue of a writ of
mandamus directing respondents 1 to 3 to provide road cut
permission and to extend water and sewerage connection to the
subject property.

2. The case of the petitioner is that he has developed the
project in the name and style of 'KG Pinnacle'. This is a
commercial building consisting of a single block with one stilt
floor plus nine floors. It is seen from records that the
construction has been put up pursuant to the planning permission
granted by the 6th respondent.



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3. After completion of the construction, the petitioner received the completion certificate and applied before the 1st and 2nd respondents for water and sewerage connection and also made necessary charges. That apart the petitioner also made the necessary charges for getting road cut permission from the Corporation of Chennai.

4. The grievance of the petitioner is that in spite of complying with all the requirements, the respondents are not providing the water and sewerage connection due to some objections made from some quarters and therefore left with no other option, the present writ petition has been filed before this Court.

5. The 3rd respondent has filed a counter affidavit. It is seen from the counter affidavit that the request made for road cut in order to lay the water and sewerage connection to the subject property was considered and permission was granted by the Corporation of Chennai through proceedings dated 27.01.2020 by imposing certain terms and conditions. According to the petitioner, the amount that was charged by the Corporation of Chennai to the tune of Rs. 3,27,000/- was also paid to the Corporation.

6. The 1st and 2nd respondents had also filed a counter affidavit. It is seen from the counter affidavit that they also acknowledge the fact that the Corporation has given the road cut permission and the sewerage Board had also made all the arrangements in order to provide the water and sewerage connection. However, there seems to be some resistance from a nearby Residential Association, who are impleaded as the 8th respondent in this writ petition. The apprehension of this Association is that if the water and sewerage connection is given to the superstructure put up by the petitioner, there will be water scarcity during peak summer and therefore they are resisting the water and sewerage connection being given to the property developed by the petitioner. The 1st and 2nd respondents have taken a very clear stand that the petitioner has complied with all the legal requirements and the only reason for not providing the water and sewerage connection is because of the protest made by the 8th respondent Residential Association.

7. Heard Ms. Josephine learned counsel for the petitioner and the learned standing counsel for the respondent Corporation.

8. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has put up the construction after getting a valid planning permission from the 6th respondent and the completion certificate having been given and the petitioner having already paid the necessary charges



for water and sewerage connection and the Corporation already given having permission for the road cut, this Court does not find any ground to deprive the petitioner with the water and sewerage connection, just because some apprehensions are raised by the nearby residential association. Once the petitioner has complied with all the legal formalities, the petitioner is legally entitled to get the water and sewerage connection.

9. In view of the same, there shall be a direction to the 1st and 2nd respondents to provide the water and sewerage connection to the petitioner and complete the process within a period of four weeks from the date of receipt of copy of this order. If there is any resistance from any quarters, it is left open to the 2nd respondent to take the assistance of the 7th respondent Police and complete the work. If there is any difference of charges payable to the Corporation of Chennai towards road cut, the same shall also be paid by the petitioner on the demand made by the Corporation of Chennai.

10. This writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

RAP/RR

To

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Chennai Metropolitan Water Supply
And Sewerage Board,
No:1, Pumping Station Road,
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State of Tamil Nadu,
S 8 Police Station, No:1, 1st Street,
New Colony Main Road, Adambakkam,
Chennai - 600 088.

+1cc to Mr.S.V.Pravin Rathinam, Advocate, S.R.No.45030

+1cc to Mr.P.Tamilmani, Advocate, S.R.No.45024

+1cc to Karthikaa Ashok, Advocate, S.R.No.45140

W.P.No.13628 of 2020

PCH(CO)

RGA(28/09/2021)