



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.24933 of 2019

and

W.M.P.No.24529 of 2019

S.Selvi @ Sharon

... Petitioner

Vs

1. The Executive Officer,
Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.

2.E.Janakiraman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pass a considered order on the application given by the petitioner dated 14.05.2019 not to give Water Service Connection in favour of the 2nd respondent pertaining to Survey No.28, S.No.1946/1 part, bearing D.No.92/62, Mangaliamman Koil Street, St.Thomas Mount Village, Aladur Taluk, Kancheepuram District, measuring an extent of 2070 sq.ft.

For Petitioner : Mr.T.Ramachandran

For R1 : Mr.Chevanan Mohan
for M/s.King & Patridge

ORDER

According to the petitioner, she is in possession and enjoyment of the premises bearing D.No.92/62 in S.No.28, S.No.1946/1 Part, situated at Mangaliamman Koil Street, St.Thomas Mount Village, Alandur Taluk, Kancheepuram District, through a settlement deed executed by her father vide Document No.1895/2004 dated 09.12.2004, on the file of SRO, Saidapet. Based on the same, she is regularly paying property tax to the subject premises. While so, she filed a suit in O.S.No.495/2014 before the District Munsif, Alandur, against the second respondent for recovery of schedule mentioned property. The



second respondent also filed a counter suit in O.S.No.421/2014 for bare injunction. During the course of trial, the second respondent filed a property tax receipt issued by the first respondent dated 10.03.2017 in respect of the premises at Door No.4/92-42-2A, belonging to the petitioner. Immediately, the petitioner approached the first respondent and requested to remove the wrong entry made in the property tax register in respect of the subject premises, which was also considered in her favour. It is the grievance of the petitioner that based on the said property tax receipt, the second respondent tried to obtain water connection from the first respondent. Therefore, she made a representation dated 14.05.2019 to the first respondent not to effect water service connection in favour of the second respondent in respect of the subject premises. Finding no response on the same, the petitioner has come up with this writ petition seeking appropriate direction to the first respondent in this regard.

2.Heard Mr.T.Ramachandran, learned counsel for the petitioner and Mr.C.Mohan, learned counsel for the first respondent and also perused the materials placed before this Court.

3.Considering the limited relief sought herein, this Court, without going into the merits of the case, directs the 1st respondent to consider the petitioner's application dated 14.05.2019 and pass appropriate orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as the 2nd respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mtl



To

The Executive Officer,
Cantonment Board,
St.Thomas Mount,
Chennai - 600 016.

+1cc to M/s.King & Patridge, Advocate, S.R.No.22538

W.P.No.24933 of 2019

GPL (CO)
HS (14/07/2021)