

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 2/2/2021
C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.18975 of 2020

Mothi Bee

... Petitioner

Vs

1. The Commissioner
The Corporation of Chennai
Rippon Building, Park Town
Chennai 600 003.
 2. The Managing Director
Chennai Metro Water Supply and Sewage Board
1 Pumping Station Road
Chennai 600 002.
 3. The Assistant Engineer
Chennai Metro Water Supply and Sewage Board
Area 4, Zone 44, 4th Main Road
MKB Nagar
Chennai 600 039.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to take devise and implement appropriate Architectural/Technical measures to permanently stop spillage of sewage from the "Subject Sewage Chamber" located on Melpatti Ponappan Street, Perambur and in front of the House At No.298/1, Melpatti Ponnappan Street, Perambur, Chennai 600 039, within a time frame fixed by this Court and consequentially maintain/desilt the same.

For petitioner ... Mr.A.R.Venkatraman

For respondents ... Mrs.Ramadevi
for R.1.
Mr.P.K.Panneer Selvam
for R.R.2 and 3.

ORDER

This writ petition is filed for a mandamus, directing the respondents to take appropriate steps to stop spillage of sewage water permanently from the sewage chamber located at Melpatti Ponappan Street, Perambur.

2. The grievance of the petitioner is that there is a 'Subject Drainage Chamber' in front of the petitioner's house and it has not been properly maintained. Therefore, spillage of this sewage water accumulates in front of the petitioner's house and they are not in a position to move away from their house.

3. Mr.R.Venkatraman, learned counsel for the petitioner, by referring some research materials, pointed out that human waste contains corona virus and can survive upto 35 days and in the petitioner's premises, three senior citizens are residing and they are not in a position to come out from their house.

4. Mr.Paneer Selvam, learned Standing Counsel for the Chennai Metro Water Supply and Sewage Board has filed an action report as follows:-

"4) On 18.12.2020 the Assistant Engineer, 3rd respondent herein visited the spot and conducted spot inspection of the said maintenance hole chamber. In the said Maintenance Hole, Removal of slit or block was done by deploying necessary men and machineries such as Jet rodding, Desilting machineries and super sucker etc. The above exercise was carried as and whenever there is any problem faced by the residents of Melapatti Ponnappan Street such as sewer block, priority is given and ensure that the problem is solved including the petitioner in the writ petition on hand. With a intention of solving the problem of the petitioner this Respondent Board has already raised the Maintenance Hole on par with the road level to avoid any spillages.

5) I submit that the petitioner has requested to divert the manhole from the existing site to some other site. In this connection it has already been informed that the Maintenance Hole erected along the entire Melpatti Ponnappan Street could not be removed since there is certain norms for construction of Maintenance Hole along the road i.e distance to be maintained between the Maintenance Holes. Moreover the petitioner property is situated adjacent to the Melpatti Ponnapan Street which is not at all connected to her residence. The change of one particular Maintenance Hole would involve entire change of sewer main line

of the street and this could not be done in overnight itself. However the Maintenance Hole situated in front of the petitioner's property has already been raised on par with the road level.

6) It is submitted that as explained in the above paras the Underground sewer mains are designed, constructed maintained in a proper manner right from the date it was constituted i.e, from 1978, by adopting advance systems to ensure the safety and good health of the general public. It is always the primary responsibility of the Board to ensure smooth free flow of sewer by deploying necessary men and machineries in the interest of public health.

7. It is submitted that whenever any problem of obstructions or overflow of sewer mains occurs in the Melpatti Ponnapan Street, which is thickly populated, and occupied by commercial establishment and having heavy traffic movement, the Respondent Board deploys developed machineries to remove the obstructions and blocks then and there to ensure free flow of traffic and avoid any inconvenience to the residents of the said street including that of the petitioner. In order to ensure a permanent solution this Board has raised the Maintenance Hole in front of Petitioner's property on par with the road level.

5. By referring to the action taken report, Mr.Paneer Selvam, learned counsel appearing for the respondent Board has submitted that he has personally visited the place and ensured that necessary steps have been taken to stop the spillage of sewage water. By way of response, learned counsel appearing for the petitioner submitted that a temporary arrangement which has been made in this chamber would not solve the issue permanently and this would again and again will make the petitioner to approach this Court. Learned counsel appearing for the Board has submitted that the maintenance hole in front of the petitioner's house has been raised upto the road level and therefore, this arrangement was made as a permanent solution and this will not occur again.

6. Recording the submission of the learned Standing counsel appearing for the respondents 2 and 3, this Court

dispose of the writ petition, considering the fact that a permanent solution has been made and this will not repeat again in front of the petitioner's house.

7. This Court places its appreciation on the earnest efforts taken by Mr.Paneer Selvam, learned Standing Counsel for the respondents 2 and 3, who has immediately responded to the case of the petitioner and ensured that the grievance of the petitioner has been redressed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS.VIII)

/True Copy/

Sub Assistant Registrar

To

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Chennai 600 039.

+1cc to Mr.A.Sikkander, Advocate SR.No.5839

+1cc to Mr.P.T.Ramadevi, Advocate Sr.No.5622

AKM/25.02.21 /4P-6C/

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