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W.P.No.4012 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.4012 of 2021

Mr.S.Sivakumar

... Petitioner

Vs.

1. The Commissioner,
Pallavaram Municipality,
Chennai – 600 044.

2. The Junior Engineer,
Chennai Metro Water and Sewage Board,
Chindaripet,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to provide drainage connection to the petitioner's premises, pursuant to the order passed by the first respondent vide proceedings dated 01.09.2014 and to pass an appropriate orders.

For Petitioner	: M/s.Senthil Vadivu
For R1	: Mr.P.Srinivasan Standing Counsel
For R2	: Mr.N.Paul Sunder Singh Standing Counsel



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ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsels for the first and second respondents.

2. This writ petition has been filed for a direction to the respondents to provide drainage connection to the petitioner's premises pursuant to an order passed by the first respondent vide proceedings dated 01.09.2014.

3. It is a specific case of the petitioner that the petitioner has also paid the required deposit, pursuant to the aforesaid order. Despite the same, the respondents have refused to come forward to provide a drainage facility.

4. On instructions, the learned counsels for the first and second respondents submit that the road in front of the petitioner's property is only 10 feet and therefore the drainage pipe cannot be laid.

5. That apart, it is submitted that there is a private dispute between the petitioner and the petitioner's neighbour and a suit came to be filed in O.S.No.82 of 2022 before the Additional District Magistrate Court, Alandur



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and that suit has also been decreed against the petitioner.

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6. The learned counsel for the petitioner submits that the dispute is between the petitioner's wife and the private parties which has no nexus with the drainage facility to be provided to the petitioner in front of the petitioner's house at Plot No.151.

7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsels for the respondents.

8. The petitioner's property is falling within the jurisdiction of the first respondent, The Commissioner, Pallavaram Municipality. The sketch which has been filed by the petitioner at Pg:14 along with the typed set of papers indicates that there is a ten feet free road in front of the petitioner's property and that there are other houses in the same side and four other houses in the opposite side of the petitioner's property.



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9. *Prima facie*, it appears that the 10 feet width road should be sufficient for providing drainage connection to the petitioner's property and to other residents in the vicinity.

10. Therefore, I am inclined to allow this writ petition by directing the first respondent to take appropriate steps for providing proper drainage facility in all the areas within the Pallavaram Municipality and also in front of the petitioner's house. This exercise is directed to be carried out by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

11. This writ petition stands allowed in terms of the above observations. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
rgm



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Chennai – 600 044.
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C.SARAVANAN, J.

rgm

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