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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.27416 of 2021 and WMP.Nos.28942 of 2021 and 9460/2022

Kasthuri

... Petitioner

-vs-

1. The Principal Secretary/Managing Director,
Chennai Metro Water and Sewerage Board,
Zone IV, Division-45,
No.75, Santhome High Road,
Raja Annamalaipuram
(Near Sun TV Office & MRC Nagar),
Chennai-600 028.
2. The Area Engineer,
Zone IV, Division-45,
Chennai Metro Water and Sewerage Board,
No.10 C, 4th Main Road,
M.K.B.Nagar, Vyasarpadi,
Chennai-600 039.
3. The Area Engineer,
Zone IV, Division 45,
Chennai Metro Water and Sewerage Board,
No.31, Perambur High Road,
B.B.Road, Chennai-600 011.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 3rd respondent herein to give sewerage and water connection.

For Petitioner : Mrs.B.Lilly Jaiprakash

For Respondents : Mr.Gautam S Raman
1 to 3



ORDER

(Order of the Court was made by T.RAJA, J.)

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This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 3rd respondent herein to give sewerage and water connection to the house at Door No.167, Siva Sakthi Vinayagar Koil Street, Vyasarpadi, Chennai-39.

2. The affidavit filed in support of the Writ Petition says that the Door No.167, Siva Sakthi Vinayagar Koil Street, Vyasarpadi, Chennai-39 was owned by the petitioner Mrs.Kasthuri's husband Mr.Jagannathan who died in the year 2018. After his demise, the petitioner has been paying all the taxes to the house property till date. While so, when she has been living with her unmarried son and daughter in the said house without sewerage and water connections, she approached the 3rd respondent authorities seeking both sewerage and water connections several times. The 3rd respondent sought for surcharge of Rs.43,858/- and as there is no sewerage and water connections to her house, initially, the petitioner refused to pay the same. Again the 3rd respondent, on 12.02.2020 asked the petitioner to pay the surcharge for sewerage and water connections. Therefore, the petitioner paid the said surcharge of Rs.43,858/- for getting sewerage and water connections as it is the basic right of every citizen. Even after the payment of the aforesaid surcharge amount, when the petitioner approached the 3rd respondent for sewerage and water connections, there is no any response forthcoming. Thereafter, when the Depot Manager visited the house of the petitioner on 21.01.2021 and issued a written notice dated 19.01.2021 to pay extra surcharge for the sewerage and water connections, the petitioner again objected the same stating that there is no any sewerage and water connections. Therefore, the petitioner has given a representation dated 25.01.2021 to the 2nd respondent and a representation dated 31.08.2021 to the 1st respondent seeking water and sewerage connections. Since there was no response for the same, the present Writ Petition came to be filed.

3. Objecting the same, a detailed counter affidavit has been filed by the respondents 1 to 3 stating that the petitioner has applied for the water and sewerage connections on 26.04.2021 in the name of her deceased husband P.Jaganathan, therefore, the 2nd respondent advised the petitioner that she has to apply to the Greater Chennai Corporation to change the name of the property in her name for the purpose of property tax assessment. Secondly, the petitioner has paid a sum of Rs.43,858/- as part payment of surcharge arrears towards sewerage connection in February, 2020 and a sum of Rs.27,811/- remains outstanding.



Therefore, unless a proper application is filed in the name of a living person, namely, an assessee to the property-in-question, and without clearing Rs.27,811/- towards surcharge arrears, the request of the petitioner cannot be considered.

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4. We also find some merits on the submissions of the learned Counsel for the respondents as the sewerage and water connections could be given only to a living person who is an assessee to a property tax. In the present case, the property tax to the property-in-question stands in the name of the petitioner's deceased husband Mr.Jagannathan and another. Further, the counter affidavit filed by the respondents reveals that the petitioner has applied online through the 'Azaithal Innaippu Scheme' dated 16.12.2021 for sewerage connection and after inspecting the petitioner's premises the same was provided to the petitioner's property on 29.01.2022 itself. However, as far as the water connection is concerned, it appears that the petitioner has applied for the same on 26.04.2021 in the name of her deceased husband Mr.P.Jaganathan and others. Therefore, the petitioner was advised by the 2nd respondent to change the name of the property in her name for the purpose of property tax assessment. Unless the name of the assessee in the records of the Greater Chennai Corporation is changed in the petitioner's name, the petitioner is not entitled to get water connection.

5. In view of the above, the petitioner is given two weeks time to file an application in the name of a living person, who is an assessee to the property tax and also to clear the balance amount of Rs.27,811/- towards surcharge fees and after receiving an application in the name of the assessee of the property-in-question, the 2nd respondent shall consider the said application seeking water connection to the property-in-question within a period of one week thereafter.

6. At this stage, learned Counsel for the petitioner submitted that initially, the property tax demand has been raised by the Greater Chennai Corporation in the name of the deceased P.Jaganathan and his wife Kasthuri, the petitioner herein and later on, the same has been raised showing Jaganathan and another, therefore, the petitioner is also an assessee to the property tax in respect of the building-in-question. Further, the petitioner has till date paid Rs.1,00,000/- for providing the water and sewerage connections to the property-in-question. In this regard, the learned Counsel for the petitioner has also produced some payment slips.

7. Therefore, liberty is also given to the petitioner to approach the 2nd respondent with the copies of the property tax demands or receipts raised in the name of the petitioner herein along with her deceased husband P.Jaganathan and also vouchers



showing the payment of Rs.1,00,000/- towards water and sewerage connections in respect of the property-in-question.

8. With the above observations and directions in para 5 above, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tsi

To

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W.P.No.27416 of 2021

RK(CO)
SU(16/05/2022)