



W.P.No.906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 1.2.2023

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THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.906 of 2023
and W.M.P.No.883 of 2023

1 P.C.Shyam Sundar ... Petitioner

Vs.

- 1 Chennai Metropolitan Water Supply And
Sewerage Board Rep. by its Managing Director/
Chairman, No.1, Pumping Station Road,
Chintadripet, Chennai- 600 002.
- 2 Chennai Metropolitan Water Supply And
Sewerage Board Rep. by its Executive Engineer/
Area Engineer, 27R9+9HC, Brindavan Street,
Dwarka Colony, Mylapore, Chennai-600 004. ... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider and pass orders on petitioners representation dated 28.12.2022 for restoration the water and sewerage connections which was disconnected on 27.12.2022 by the 2nd respondent with respect of first floor at Old Door No.8, New Door No.14 Karpagambal Nagar Road, Mylapore, Chennai-600 004.

For Petitioner : Mr.M.Sriram
For Respondent No.1 : Mr.R.Balaji
For Respondent No.2 : Mrs.T.Ramadevi



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ORDER

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The only grievance of the writ petitioner is that the petitioner is the absolute owner of the premises situated in the first floor at old door No.8, New door No.14, Karpagambal Nagar road, Mylapore, Chennai and one Mr.P.K.C. Ramesh is the owner of the premises situated in ground and second floor. Despite the petitioner has paid water tax regularly, water connection of the petitioner's premises has been disconnected. Therefore, the petitioner has filed the instant writ petition before this Court.

2. Learned counsel appearing for the petitioner has submitted that despite the petitioner has cleared all the dues as on date as demanded by the respondent Corporation, water and sewerage connections have been disconnected since the other flat owners have not paid their dues. It is also brought to the notice of this Court that SARFAESI proceedings were initiated against the owner of the premises situated in ground and second floor and the same is pending before the Debt Recovery Tribunal.

3. Learned counsel appearing for the respondent Corporation would submit that pursuant to the direction of this Court dated 12.1.2023, water and sewerage connections have been restored.



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4 The petitioner's premises is situated in a complex consist of ground plus two floors wherein the petitioner is the owner of the premises in the first floor, whereas there are water tax dues payable by the owner of the ground and second floor, the respondent Board disconnected the water supply connection. It is relevant to note that any flat complex is jointly owned by several persons, but for water supply, the complex is a single unit. It is for the Association of the flat owners to see that there is no default in payment of the dues to the Board.

5. Such view of the matter, the petitioner may form an association with the other flat owners in the same building in order to avoid any disconnection in future. With the above observations, the writ petition stands disposed off. No costs. Connected miscellaneous petition is closed.

1.2.2023

Speaking/Non Speaking order

Neutral citation: Yes/No

Index: Yes/No

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To

- 1 The Managing Director/Chairman,
Chennai Metropolitan Water Supply And Sewerage Board,
No.1, Pumping Station Road, Chintadripet, Chennai- 600 002.
- 2 The Executive Engineer/Area Engineer,
Chennai Metropolitan Water Supply And Sewerage Board,
27R9+9HC, Brindavan Street, Dwarka Colony, Mylapore, Chennai-600 004.



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N.SATHISH KUMAR, J.

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