



W.P.No.13749 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.13749 of 2016

&

W.M.P.No.12046 of 2016

N.Karunagaran

...Petitioner

Vs.

1.The Chairman
Chennai Metropolitan Water
Supply and Sewerage Board
No.1, Pumping Station Road
Chintadripet
Chennai-600 002

2.The Junior Engineer
Chennai Metropolitan Water
Supply and Sewerage Board
Kalidas Street
Jayaram 2nd street
Kolathur
Chennai-600 099

3.M.Sarathy

..Respondents



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PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to restore the water and sewerage connection relating to C.M.C.o.06-16403-000 to petitioner property bearing Door No.29/C, vivek Nagar 1st street, Kolathur, Chennai-99 by considering the petitioner representation dated 04.04.2016.

For Petitioner : Mr.N.Manokaran

For Respondents : Mrs.Vasanthamala, Standing Counsel
CMWSSB for R1 and 2

Mr.M.Kumarasami for R3

ORDER

Writ Petition is filed seeking to issue a direction to the respondents 1 and 2 to restore the water and sewerage connection relating to C.M.C.o.06-16403-000 to petitioner property bearing Door No.29/C, vivek Nagar 1st street, Kolathur, Chennai-99 by considering the petitioner representation dated 04.04.2016.

2. It is the case of the petitioner that originally the property was jointly owned by the 3rd respondent and his brother. They have partitioned the property in which 'C' schedule was allotted to brother of the 3rd respondent, which is the subject matter of the property. After the death of



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his brother the 3rd respondent based on the unregistered agreement filed a suit for specific performance in O.S.No.7290 of 2007 against the legal heirs of his own brother. The above suit came to be dismissed on 14.12.2009. As against which appeal in A.S.No.840 of 2010 was filed, which also came to be dismissed and finally Second Appeal filed as against the A.S in S.A.No.600 of 2014 also came to be dismissed on 14.07.2014. The petitioner have purchased the property from the legal heirs of the 3rd respondent on 07.08.2014. Thereafter, the 3rd respondent also caused disturbance of the possession of the petitioner. According to the petitioner he has filed a suit in O.S.No.1625 of 2015 before the IV Assistant City Civil Court and the Court has also passed a status quo and the same is still continuing.

3. When the matter stood thus, the 3rd respondent gave an objection to the respondents. Based on the said objection without any notice the water connection and sewerage connection has been disconnected. Hence, the Writ Petition.

4. No counter has been filed.



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5. Learned counsel for the petitioner brought to the notice of this Court the Civil Court decree and Second Appeal judgment and decree of this Court. On perusal of the same, the attempt of the 3rd respondent to claim right over the subject property is already negated by the Courts and reached finality.

6. Besides, the petitioner also filed O.S.No.1625 of 2015, which is still pending. Such being the position, this Court is of the view that the respondents cannot disconnect the water and sewerage connection. The water is one of the essential amenities and is required for livelihood of every individual. Merely on the basis of some civil dispute the right of the petitioner cannot be taken away. Disconnection of the water connection violates the rights of the petitioner that too without any notice whatsoever. Such being the matter the petitioner is certainly entitled to restoration. Accordingly, the respondents 1 and 2 are directed to forthwith restore the water and sewerage connection to the Door No.29/C, Vivek Nagar, 1st Street, Kolathur, Chennai-99.



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With the above observation, the Writ Petition is allowed. No costs.

Consequently, connected Writ Miscellaneous petition is closed.

25.01.2023

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Internet: Yes

Speaking/non-speaking order

Neutral Citation: Yes/No

To

1.The Chairman

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Supply and Sewerage Board
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Chennai-600 002

2.The Junior Engineer

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N. SATHISH KUMAR, J.

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