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W.P.No.18924 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 18924 of 2013

M.Narashiman

.. Petitioner

Versus

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai – 600 003

2.The Managing Director
Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road
Chintadripet
Chennai – 600 002

3.The Assistant Engineer
Chennai Metropolitan Water Supply and Sewerage Board
Zone-8, Division – 104
Purasaiwakam
Chennai – 600 084

4.Tharanikumar

.. Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to remove the sewerage and metro water connection from fourth respondent which passes



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through the petitioner's property situated at Old No.44/C, New No.61(part), Vinaitheertha Mudali Street, (Vellala 3rd Street) Purasaiwalkam, Chennai – 84 comprised in Old No.199, New Survey No.188/4(part), as per Extract from the Permanent Land Register T.S.No.188/39, Block No.6, Purasaiwalkam, Chennai District.

For Petitioner : Mr.G.A.Thiagarajan
For Respondents : Mr.G.T.Subramanian for R1
Mr.K.Subramani for R2 & 3
No appearance for R4

ORDER

This writ petition has been filed seeking to direct the third respondent to remove the sewerage and metro water connection from fourth respondent which passes through the petitioner's property situated at Old No.44/C, New No.61(part), Vinaitheertha Mudali Street, (Vellala 3rd Street) Purasaiwalkam, Chennai – 84 comprised in Old No.199, New Survey No.188/4(part), as per Extract from the Permanent Land Register T.S.No.188/39, Block No.6, Purasaiwalkam, Chennai District.

2. The case of the petitioner is that he purchased the subject property situated at Old No.44/C, New No.61(part), Vinaitheertha Mudali Street, (Vellala 3rd Street) Purasaiwalkam, Chennai – 84 measuring 1092 sq.ft., vide sale deed dated 11.10.2006 in Doc.No.4242/2006, whereas, the fourth



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respondent purchased property situated at Saravana Perumal Mudali Street, Purasaiwalkam, Chennai, measuring 900 sq.ft., comprised in R.S.No.189 part, C.C.No.933 of Purasaivalkam village vide sale deed dated 12.05.2008 in Doc.No.1829 of 2008. According to the petitioner, both the properties are distinct and situated in different street. Taking advantage of the petitioner's absence for short period, the fourth respondent had obtained Metro Water and Sewerage connection on 24.02.2009 passing through the petitioner's property. Aggrieved, the petitioner sent representations to the respondents on 28.05.2013 seeking to remove the connection, which is pending without consideration till date. Hence, this petition.

3. Counter has been filed on behalf of the second and third respondent, wherein, it is *inter alia* stated that the fourth respondent had filed Sewer Application No.12020 and Water Application No.13973 on 24.02.2009 by paying the necessary charges and on 20.03.2009, connections were effected based on the internal water and sewerage arrangement of the fourth respondent, hence, it is the contention on their behalf that the connections were effected lawfully.



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4. Despite service of notice to the fourth respondent, none appeared on behalf of the fourth respondent. Heard both sides and perused the materials placed on record. The sale deed in the name of the petitioner clearly indicate that the property purchased by the petitioner is situated at Vellala Third Street, whereas, fourth respondent's property is situated at Saravana Perumal Mudali Street. That being the position, effecting connections in the name of the fourth respondent is not disputed by the official respondents. Such view of the matter, the third respondent shall inspect the property and remove the connections, if it is passing through the land of the petitioner. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.

5. With the above directions, this writ petition stands disposed of. No costs.

02.01.2023

dhk
Index:Yes/No

4/6



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Speaking Order : Yes / No

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N.SATHISH KUMAR, J.

dhk

To

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