



Writ Petition No.14889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :31.08.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.14889 of 2022

WMP.No.14094 of 2022

The Joint Secretary, Kothandaraman,
Madulika Flat Owners Association,
B2, G7, Madhulika Apartments,
(Arun Excello), (Vaipur Panchayat),
Karanithangal,
Kancheepuram District.

... Petitioner

Vs

1.The District Collector,
Kanchipuram District,
Office of the Collectorate,
Kanchipuram.

2.The Block Development Officer,
Kundrathur Panchayat Union,
Vaiput Panchayat,
Padappai, Kanchipuram District.

3.The President,
Vaipur, Panchayat,
Kancheepuram District.

4.The Chairman,
Tamil Nadu Pollution Control Board
No.76, Mount Salai,Guindy, Chennai – 600 032.

5.The Managing Director,

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Writ Petition No.14889 of 2022

M/s.Arun Excello Constructions LLP,
No.18, Bhattad Towers, II Floor, West Cott Road, Indira Gardern,
Royapettah, Chennai – 14.

(R5 impleaded vide order dated 08.12.2022 made in
WMP.No.27696/2022 in W.P.No.14889 of 2022 by NSKJ)

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 3 to provide basic amenities like drainage, drinking water, street light etc., to the petitioners building complex known as Madhulika Apartments (Arun Excello) situate in Karanithangal Village, Within the jurisdiction of the Vaipur Panchayat.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.N.Naveen kumar
Government Advocate for R1
Mr.E.Veda Bagath Singh for R2 and R4
M/s.Shanmugavalli Sekar for R4

ORDER

The petitioner herein seeks issuance of a Writ of Mandamus directing the respondents 1 to 3 to provide basic amenities like drainage, drinking water, street light etc., to the petitioners building complex known as Madhulika Apartments (Arun Excello) situated in Karanithangal Village.

2. According to the petitioner, there are 213 residential units in



the apartment mentioned above. The petitioner's association submitted a representation to the respondents seeking extension of certain basic facilities to the residential units of the members of petitioner's Association like drainage connection, drinking water connection, street light etc.

3. The learned counsel appearing for the respondents 2 and 3 by taking counter affidavit filed on behalf of the respondents 2 and 3 submitted that the respondents 2 and 3 undertook to maintain street light in the main road leading up to the petitioner's apartment.

4. In the affidavit filed by the respondents 2 and 3, they also agreed to maintain the streetlights leading to the petitioner's apartment. The relevant averments in the counter affidavit of the respondents 2 and 3 which extracted below is recorded.

“4. It is respectfully submitted that the Panchayat agreed to undertake and maintain the streetlights in the main road leading up to the apartments, pursuant to which, the Panchayat has paid a sum of Rs.1,06,060/- towards procuring a new service electricity service connection for the streetlights in the road leading up to the apartment.



5.It is respectfully submitted that, based on the discussion before the 2nd respondent on 21.06.2023, the roads leading the petitioner's apartment have been levelled by the Panchayat and the Panchayat further undertakes to procure the necessary approval and lay the road.”

5. It is also stated by the respondents in the counter affidavit that there is no underground drainage system in the 3rd respondent/Panchayat and therefore, the 3rd respondent is not in a possession to extend the underground with the sewage system to the petitioner. In view of the fact, underground sewage system does not exist in the 3rd respondent/Panchayat, it may not possible for the 3rd respondent to extend sewage underground drainage facilities to the petitioner's apartment. However, as soon as underground sewage facility is introduced by the 3rd respondent/Panchayat, the 3rd respondent shall take necessary steps for extending underground drainage facility to all the residents including the petitioner.



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6. With these observations, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

31.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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S.SOUNTHAR, J.

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