



W.P.No.18880 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.18880 of 2019

P.Raghavan

... Petitioner

Vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai – 600 003.
2. The Chairman,
Chennai Metropolitan Water Supply
and Sewerage Board,
Pumping Station Road,
Chintadripet, Chennai – 600 002.

.. Respondents

Prayer:– Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to effect water supply and drainage connections to the petitioner's referred property comprised in GR.No.164/4, at No.18A, Thiru.Vi.Ka.Street, Vinayagapuram, Kathirvedu, Chennai – 600 056 through the public way in G.R.Survey No.164/17, after receiving necessary charges.

For Petitioners : Mr.R.Krishnaswamy

For R1 : Mrs.Karthika Ashok,
Senior Counsel

For R2 : Mr.M.Jothikumar, Senior Counsel



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ORDER

The petitioner seeks mandamus directing the second respondent/ Chennai Metropolitan Water supply and Sewerage Board for effect water supply connection and sewerage connection to his property. He also made representation dated 14.03.2019 to the second respondent.

2. The learned counsel for the petitioner submits that the petitioner is the owner of the house property being in Grama Natham Survey No.9-Part, presently comprised in New G.R.Survey No.164/14, at No.18-A, Thiru Vi Ka Street, Vinayagapuram, Kathirvedu Village and also obtained patta in Page No.32.

3. According to the petitioner the south side of the property is a public way comprising in S.No.164/2017 at 18A, Thiru.Vi.Ka.Stree, Vinayagapuram, Kathirvedu, Chennai. He has applied and drainage connection before the second respondent office and since they have evaded the same, he has sent a representation and the same is still pending.

4. In the said counter, he has stated that passage mentioned as



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pathway by the petitioner, is the road layed between the over head tank of CMWSSB and well pertained to Chennai Corporation. The petitioner has neither not applied nor paid any necessary charges to his premises.

5. In the counter filed by the first respondent corporation at Para 6, they have stated that:

"As per the Revenue Records obtained from the Revenue Authorities, the land in Survey No.164/17, Kathirvedu Village is classified as "way" by the officials of the 2nd respondent viz., Chennai Metro Water Supply and Sewerage Board request for road cut permission for giving water and sewerage connection to the petitioner's property after paying necessary fee the same will be considered by the Greater Chennai Corporation."

6. The counter filed by the first respondent and Para 6 extracted above is hereby recorded.

7. In view of the counter filed by the first respondent as extracted supra, I find that the only obstacle for the second respondent for the implementing appears to have been removed hence I find that the second respondent is statutory duty to provide the sewerage service connection on payment of necessary charges.



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8. In view of the above, the petitioner is directed to file fresh representation to the second respondent along with necessary charges thereto within a period of four weeks from the date of receipt of a copy of this order and after considering the representation, the second respondent shall pass orders to the extent of service connection within a period of eight weeks thereafter.

9. Accordingly, the Writ Petition is allowed. No costs.

16.03.2023

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Index:Yes/No

Neutral Citation : Yes/No

To

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RMT.TEEKAA RAMAN, J.

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