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W.P.No.21122 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.21122 of 2022

Prince Village Phase – 1,
Flat Owners Welfare Association, Reg. No.272/2014
Represented by its Secretary, M.J.John Arokia Prabhu
No.31 & 33, Elayamudali Street, Tondiarpet,
Chennai 600 081.

... Petitioner

Vs.

1.The Managing Director
The Chennai Metropolitan Water Supply and Sewerage Board,
No.75, Santhome High Road, M.R.C.Nagar,
Raja Annamalaipuram, Chennai 600 028.

2.The Area Engineer – IV,
CMWSSB, No.10C, Central Avenue Road,
MKB Nagar, Chennai 600 039.

3.The Assistant Engineer,
Division No.38, CMWSSB,
No.153-A, Sundaram Pillai Nagar, Main Street,
Tondiarpet, Chennai 600 081.

4.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.

5.The Zonal Health Officer, Zone – 4,
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents 1 to 3 to provide sewer connection to Old Door Nos.31 & 33, New Door Nos.31/7, 33/8, Elayamudali Street, Tondiarpet, Chennai 600 081, in terms of the application submitted to the 1st Respondent dated 14.12.2013 and final representation dated 22.07.2022 forthwith.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents : Mrs.R.K.Kalpana (for R1 to R3)

Mr.Rahul aditya (for R4 & R5)
for M/s.P.T.Ramadevi

ORDER

This Writ Petition has been filed to direct the Respondents 1 to 3 to provide sewer connection to Old Door Nos.31 & 33, New Door Nos.31/7, 33/8, Elayamudali Street, Tondiarpet, Chennai 600 081, in terms of the application submitted to the 1st Respondent dated 14.12.2013 and final representation dated 22.07.2022 forthwith.

2.Heard the learned counsel appearing on behalf of the Petitioner, the learned counsel appearing on behalf of R1 to R3 and the learned counsel appearing on behalf of R4 & R5.



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3.M/s.Prince Foundation Private Limited submitted a Water Application Number: 11285, Sewer Application Number 9993 dated 18.03.2013 with partial completion of 17 blocks for 516 units, (Partial Completion Certificate from Chennai Metropolitan Developments Authority EC/CCW/N&C/17960/2012 Dated 05.02.2013). The Prince Apartment has not applied for Sewer and Water Connection for remaining two Blocks (72 Units) (Chennai Metropolitan Developments Authority Partly completion Certification copy attached) and M/s.Prince Foundation Limited while applying for Sewer and Water Connection has informed through an Indemnity Bond that for the Block 16 and 19, after getting the completion certificate the balance connection charges will be paid to Chennai Metropolitan Water Supply and Sewerage Board rules. The Petitioner has paid the infrastructure development charges for an amount Rs.1,21,45,000/- to Chennai Metropolitan Development Authority and the said amount was not paid to Chennai Metropolitan Water Supply and Sewerage Board. Also a amount of Rs.38,30,000/- is remitted (for 17 blocks out of 19 blocks) to Chennai metropolitan water supply and sewerage Board through Chennai Metropolitan Development Authority vide Challan No.5474 Dt.10.05.2010 for a partly completion of 17 Blocks. Remaining two blocks, 72 Tenements, Water and Sewer request application not submitted to



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the Chennai Metropolitan Water Supply and Sewerage Board and also not paid necessary connection fees.

4.The 2nd Respondent filed counter affidavit stating the details of balance of payment to be made and also non production of the completion certificate from the authorities, concerned viz., CMDA. An amount of Rs.27,93,600/- was paid for charges for the past 10 years and the amount of Rs.54,18,000/- paid towards sewer connection charges. The said amount of Rs.82,11,600/- is not for the development charges for sewerage connection. The Water & Sewer Application Submitted on 18.03.2013 for the 17 Blocks 516 units (Partially Completed building only).

5.Representation was sent by the association on 06.06.2022 and after inspection reply letter was sent by the 2nd Respondent dated 20.07.2022 regarding non compliance of application for the balance two blocks (72 units) with the Completion Certificate from CMDA and balance of connection fees as stated supra to be made to Chennai Metropolitan Water Supply and Sewerage Board.



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6.From the document filed along with typed set of the papers, there is discrepancies in payment of fees and hence, I find that unless the statutory requirement has been made as required under the reply notice dated 20.07.2022, the request of the Petitioner for direction cannot be entertained. However, taking note of the nature of the relief sought for that sewer has to be connected for the larger number of community, the Petitioner association shall comply with the demand notice, within a period of three weeks from the date of receipt of a copy of this order and on such deposit and submission of the documents, the 2nd Respondent shall take necessary steps within a period of three weeks thereafter.

7.In fine, this Writ Petition is disposed of with the above direction. No costs.

07.03.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

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RMT.TEEKAA RAMAN.J,

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Dated: 07.03.2023