



Writ Petition No.33395 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 2/2/2023

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.33395 of 2022

Sabari Construction and Housing Private Limited
rep. By its Managing Director
Mr.C.Thambi Kalaignan
Chennai 600 040.

...

Petitioner

Vs

1. Area Engineer VI
Chennai Metropolitan Water Supply &
Sewerage Board
3 Vadivelu II Cross Street
Perambur
Chennai 600 011.
2. The Managing Director
Chennai Metropolitan Water Supply &
Sewerage Board
Chintadripet
Chennai 600 002.
3. The Superintendent Engineer
Chennai Metropolitan Water Supply &
Sewerage Board
Chintadripet
Chennai 600 002.



Writ Petition No.33395 of 2022

4. The Chief Engineer
Chennai Metropolitan Water Supply &
Sewerage Board
Chintadripet
Chennai 600 002.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent leading to issuance of order, dated 29/7/2022 vide Letter No.CMWSSB/Area VI/DAE17/Depot 74 (1)/SPL/2022 and quash the same and direct the respondent to find its damage and repair the pipes immediately or relocate the pipe passing through the petitioner's property.

For Petitioner ... Mr.Najeeb Usman Khan

For respondents ... Mrs.Vasanthamalai

ORDER

This writ petition has been filed to quash the order passed by the first respondent leading to issuance of order, dated 29/7/2022, vide Letter No.CMWSSB/Area VI/DAE17/Depot 74 (1)/SPL/2022 and direct the respondents to find its damage and repair the pipes immediately or relocate the pipe passing through the petitioner's property.

2. The case of the petitioner is that they are the owner of the property



Writ Petition No.33395 of 2022

and petitioner's land was approved by CMDA, vide planning permit No.PP/NHRB/123/2022. The building permit was obtained from the Corporation vide No.CEBA/WDC No.06/00169/2022. At the time of laying the foundation stone, the petitioner was shocked and surprised to notice a big pipe running through the entire property about 10 feet below the ground level. The petitioner, on noticing the pipeline and leakage, contacted Chennai Metropolitan Water Supply and Sewerage Board to come and inspect the site. The officials visited the site and noticed the leakage from the pipe. However, officials have not taken any steps to arrest the leakage and on the contrary, they issued interim notice, demanding Rs.13,49,000/-. Being aggrieved, the petitioner has come forward with the instant writ petition.

3. Heard Mr.Najeeb Usman Khan, learned counsel for the petitioner and Mrs.Vasanthamala for the respondents.

4. This Court, vide, order, dated 10/1/2023, directed the respondents to set right the leakage and report before this Court.

5. Pursuant to the above direction, today, when the matter is taken up



Writ Petition No.33395 of 2022

for hearing, learned counsel appearing for the respondents, on instruction submitted that repair work is already completed and hence, they will not insist the amount demanded in the impugned notice, dated 29/7/2022.

6. Learned counsel further submitted that there was an arrangement between the petitioner and respondents to share the labour and other things in respect of future leakage. Submission of the learned counsel is recorded.

7. In such a view of the matter, the petitioner and respondents shall make arrangement in sharing the expenses to set right any leakage in future.

8. In view of the above, this writ petition is closed. No costs.

2/2/2023

Index : Yes / No
Internet: Yes
Speaking/non speaking order
Neutral Citation: Yes/No
mvs.



Writ Petition No.33395 of 2022

To

1. Area Engineer VI
Chennai Metropolitan Water Supply &
Sewerage Board
3 Vadivelu II Cross Street
Perambur
Chennai 600 011.
2. The Managing Director
Chennai Metropolitan Water Supply &
Sewerage Board
Chintadripet
Chennai 600 002.
3. The Superintendent Engineer
Chennai Metropolitan Water Supply &
Sewerage Board
Chintadripet
Chennai 600 002.
4. The Chief Engineer
Chennai Metropolitan Water Supply &
Sewerage Board
Chintadripet
Chennai 600 002.

N. SATHISH KUMAR, J



WEB COPY



Writ Petition No.33395 of 2022

mvs.

W.P.No.33395 of 2022

2/2/2023