



WEB COPY



W.P. No. 30392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 30392 of 2023
and
W.M.P. No. 30004 of 2023**

1. D.Jamunabai

2. P.Kavitha

... Petitioners

-VS-

1. Chennai Metropolitan Water Supply
and Sewerage Board,
Represented by its Chairman cum Managing Director,
No.1, Pumping Station Road,
Chindarapet, Anna Salai,
Chennai.

2. Chennai Metropolitan Water Supply
and Sewerage Board,
Represented by its Executive Engineer,
Zone No.VIII, No.227, 2nd Avenue,
12th Main Road, Anna Nagar,
Chennai – 600040.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider the Petitioner's application dated 03.05.2022 and accord water supply and sewerage services connection to the Petitioners premises at No.7.20, Thangam Colony, 1st Street, Anna Nagar West, Chennai – 600040 expeditiously and in accordance with law.



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For Petitioners : Mr. D.Rajasekar
for Mr. M.Vembadiyan

For Respondents : Ms. K.Vasanthamala, Standing Counsel

ORDER

Heard Mr. D.Rajasekar, Learned Counsel appearing for the Petitioner and Ms. K.Vasanthamala, Learned Standing Counsel, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. A dispute relating to the property in Door No. 7/20, Thangam Colony, 1st Street, Anna Nagar West, Chennai exists between the Petitioner and one D.Rajasekaran, who are neighbours. The Petitioner had earlier filed the Writ Petition in W.P. No. 20044 of 2022 relating to unauthorized construction in the said property before the Division Bench of the Court, which was disposed on 27.09.2022 relegating the parties to the Civil Court. In furtherance thereto, the said D.Rajasekaran has filed the suit in O.S. No. 9079 of 2022 before the VIII Assistant City Civil Court, Chennai, and a Counter-Claim has been filed on 10.04.2023 by the Petitioner in the said suit. While the matter stands thus, the Petitioner seeks water supply and sewerage connection to the said property in this Writ Petition.



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3. Having regard that the earlier order passed by the Division Bench of the Court requiring the parties to have their disputes adjudicated before the Civil Court, it would be appropriate that the Petitioner seeks the present relief also in the said proceedings. If any application is filed by the Petitioner in that regard, it shall be incumbent upon the VIII Assistant Judge, City Civil Court, Chennai to take up the matter immediately and afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law within a period of three months from the date of filing of such application. Though obvious, it is made clear that no view has been expressed by the Court on the merits of the controversy involved in the matter.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

20.10.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 03.11.2023.

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To

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Copy to

The VIII Assistant Judge,
City Civil Court,
Chennai.



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P.D. AUDIKESAVALU, J.

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