



WEB COPY



W.P. No. 33299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

W.P. No. 33299 of 2023

Parthiban

... Petitioner

-VS-

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.
 2. The Zonal Officer,
Corporation of Chennai,
Zone – 04,
Korukkupet,
Chennai – 600 021.
 3. The Executive Engineer,
Chennai Metropolitan Water Supply & Sewerage Board,
Division 41,
Korukkupet,
Chennai – 600 021.
 4. The Area Engineer,
Chennai Metropolitan Water Supply & Sewerage Board,
Vyasarpadi,
Chennai – 600 039.
- ... 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 representation of the Petitioner dated 25.09.2023 and 19.10.2023 not to install water tank adjacent to the house of the Petitioner at Plot No. 48



W.P. No. 33299 of 2023

(Part) 48/47 VOC III Street, Govindasamy Nagar, Korukkupet, Chennai – 21 to
secure the ends of justice.

For Petitioner : Mr. R.Sankarasubbu

For Respondents : Mr. D.B.R.Prabhu,
Standing Counsel (for R1 & R2)

Mrs. K.Vasanthamala,
Standing Counsel (for R3 & R4)

ORDER

Heard Mr. R.Sankarasubbu, Learned Counsel for the Petitioner, Mr. D.B.R.Prabhu, Learned Standing Counsel appearing for the First and Second Respondents and Mrs. K.Vasanthamala, Learned Standing Counsel appearing for the Third and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made representations dated 25.09.2023 and 19.10.2023 to the Respondents not to install water tank adjacent to his house at Plot No. 48 (Part) 48/47 VOC III Street, Govindasamy Nagar, Korukkupet, Chennai, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.



W.P. No. 33299 of 2023

3. The Fourth Respondent has filed Status Report dated 30.11.2023 in furtherance to the order passed on 28.11.2023 by the Court, stating as follows:-

“4. I submit that in respect of the subject mentioned property is concerned; a false typed representation dated 11.07.2023 has been received in the name of the Writ Petition to remove the Sintex Water Tank away from the existing place. In his representation dated 25.07.2023, the Writ Petition has changed his mind and averred that the water tank is disturbing to him and therefore requested to shift it to some other place. The signature of the Petitioner also differs. In furtherance to the representations of the Writ Petitioner, one Thiru P.Manickam residing in the same locality has submitted a representation that not to shift the water tank bearing No. 04-41-214, as it serves water supply to 30 families in that locality and not to entertain the previous complaint preferred by some other with regard to shifting of water tank and obtained the signatures of 39 members of that locality. In view of the counter complaint received from the residents of that locality, the Sintex water tank bearing No. 04-41-214 was not removed by this Respondent. But the Writ Petitioner



WEB COPY

himself arranged on his own with the request of residents in the locality for a temporary measures in order to construct a house in his premises and shifter the tank just opposite to his premises and it is hindering the window of the resident in which it is now relocated by the Writ Petitioners, without getting permission from the Respondents, for a temporary measure in order to construct building in his premises.

5. *In this regard, I submit that the abovesaid Sintex water tank was installed in front of the Petitioner's premises 40 years back and the Petitioner knowing the fact of availability of water tank in front side of the premises of the Writ Petitioner purchased the property just 3 years back. Now, the residents as well as resident in which the water tank is temporarily located would like to re-locate the said water tank in its original position, which was available for long years.*

6. *I submit that the Writ Petition in his representation dated 25.09.2023, has requested not to install water tank adjacent to his house at Plot No. 48 (Part) 48/47, VOC III Street, Govindasamy Nagar, Korukkupet, Chennai-21 and further representation dated 19.10.2023, the Writ Petitioner reiterated the same request. Now,*



W.P. No. 33299 of 2023

WEB COPY

the Writ Petitioner has come forward before this Hon'ble Court to get an order from this Hon'ble Court not to install water tank adjacent to the house of the Petitioner's premises, which serves basic need of Drinking water to about 30 families.

7. In this regard, as directed by this Hon'ble Court on 28.11.2023, the property was inspected by the Assistant Engineer-Depot 41, attached with the Fourth Respondent's area and found that in that the Sintex Tank bearing No. 04-41-214 is being supplied daily 3000 liters of water from Patel Nagar Water Distribution Station to the residents of that locality, which serves about 17 House owners and 14 tenants in that locality. During the course of inspection, the residents rushed to that place and submitted a written representation with the signatures of 30 residents, to continue to perform the water supply without any disturbance from anyone.....”

In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.



W.P. No. 33299 of 2023

WEB COPY

In the result, the Writ Petition is disposed with the aforesaid observations. No costs.

11.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

vjt

To

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.
2. The Zonal Officer,
Corporation of Chennai,
Zone – 04,
Korukkupet,
Chennai – 600 021.
3. The Executive Engineer,
Chennai Metropolitan Water Supply & Sewerage Board,
Division 41,
Korukkupet,
Chennai – 600 021.
4. The Area Engineer,
Chennai Metropolitan Water Supply & Sewerage Board,
Vyasarpadi,
Chennai – 600 039.



WEB COPY



W.P. No. 33299 of 2023

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 33299 of 2023

11.12.2023