



W.P.No.15617 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15617 of 2019

M.Subramani

...Petitioner

Vs.

1.The Assistant Engineer,
The Chennai Metropolitan Water Supply and Sewerage Board,
Area VIII, Division 95,
Number 16/30, J-block,
5th street, Anna Nagar,
Chennai 600 040

2.Anbazzhagan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in proceedings nil, dated 12.04.2019 on the file of first respondent as illegal, incompetent and without jurisdiction and further direct the respondent to provide water connection and sewerage connection to the petitioner's house at old No.1-A, New number 1/3, Thanthoni Amman Koil 2nd Street, Villivakkam, Chennai 600 049.

For Petitioner : M/s.V.Srimathi



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For Respondents

For R1 : Mr.K.Subramani

For R2 : No appearance

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 12.04.2019 thereby rejected the request made by the petitioner seeking water and sewerage connection for the subject property.

2. The property comprised in survey No.11A/7B2A classified as 'Gramanatham', was in possession and enjoyment of the petitioner's father. Thereafter, by recognising the possession of the petitioner's father, he was issued patta. Thereafter, he died on 17.04.1997. After his demise, the petitioner is in possession and enjoyment of the said property. The second respondent was permitted to occupy a portion of the property and after the demise of the petitioner's father, he claimed right over the property. Therefore, the petitioner was constrained to file suit for recovery of possession in OS.No.4327 of 2004. While being so, the second



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respondent also filed another suit in OS.No.4344 of 2005 for recovery of possession and permanent injunction. However, the suit filed by the petitioner was dismissed and the suit filed by the second respondent was allowed. Aggrieved by the same, the petitioner preferred appeal suits in AS.Nos.209 & 210 of 2012 and both were dismissed. Therefore, the petitioner preferred second appeals before this Court in SA.Nos.621 and 622 of 2014. Both the second appeals were disposed of in favour of the petitioner and ordered for recovery of possession. While pending the second appeals, the petitioners sought for water and sewerage connection for the subject property. However, it was rejected on the ground that there is dispute between the petitioner and the second respondent and pending second appeals in SA.Nos.621 and 622 of 2014, the application submitted by the petitioner cannot be considered. Further, the petitioner failed to produce any document regarding valid title over the property.

3. On perusal of the counter filed by the first respondent revealed that there is already one sewerage connection for the door No.old No.1-A, new No.1/3, Thanthoni Amman Koil 2nd Street, Villivakkam,



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Chennai comprised in survey No.11A/7B2A. Therefore, the petitioner is not entitled for another sewerage connection since for one door No., one sewerage connection is permissible. Further, already one water connection is there and for one door No., only one water connection is permissible. Therefore, the request made by the petitioner cannot be considered. As such, this writ petition is devoid of merits and the same is liable to be dismissed.

4. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to change the name of the sewerage and water connections in his name in the manner known to law in the light of the judgment and decree passed in the second appeals in SA.Nos.621 and 622 of 2014 dated 19.11.2019. There shall be no order as to costs.

30.09.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To
The Assistant Engineer,
The Chennai Metropolitan Water Supply and Sewerage Board,
Area VIII, Division 95,
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G.K.ILANTHIRAIYAN, J.

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