



W.P.No.2777 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

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Dr.S.Shazamani,

...Petitioner

-Vs-

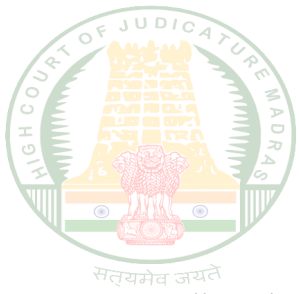
1.Chennai Metropolitan Water Supply and Sewage Board,
Represented by its Managing Director,
Chintadripet, Chennai- 600002.

2.Area Engineer,
CMWSSB,
No.1, Dr.Ranga Road, Abiramapuram,
Chennai- 600 018.

3.Chitra Avenue Flat Owner's Welfare Association,
Represented by its President and Secretary,
Jayam Block, Ground Floor, Chitra Avenue 9,
Choolaimedu High Road, Chennai- 600 094.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a direction in the nature of Writ of Mandamus,



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directing the 2nd respondent to dispose of the petitioner's representation dated 10.10.2024 by directing the 2nd respondent to reconnect the water supply which the 3rd respondents has illegally disconnected.

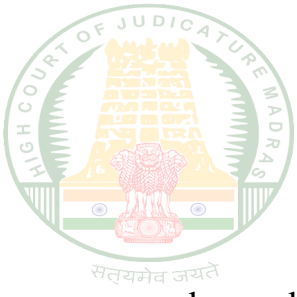
For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondents : M/s.K.Vasanthamala,
Senior Counsel for R1 & R2
Mr.Y.Kaja Navas for R3

ORDER

The writ petition has been filed to direct the 2nd respondent to dispose of the petitioner's representation dated 10.10.2024 by directing the 2nd respondent to reconnect the water supply which the 3rd respondents has illegally disconnected.

2.The Learned Counsel appearing for the petitioner submits that the petitioner was shocked when she received a communication from the 3rd Respondent, that she has to pay a sum of Rs. 9,000/- from the year 2021, for maintenance of tenancy of women bachelors, when she has already been paying the fixed charges as per the conditions of the flat owners association, which was accepted by all the members to be Rs.2500/-. The petitioner being



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demanded a sum of Rs.1,84,000/- for the period from December 2021 to January 2024 is contended to be exorbitant.

3.The learned counsel for the petitioner further submits that the 3rd Respondent increased the maintenance amount from Rs.2500/- to Rs.9000/- when the petitioner had requested the 3rd Respondent for maintenance of common passage as the said respondent is responsible for the same. In this regard the water supply has also been disconnected, against which the petitioner had sent multiple representations, and states that such disconnection amounts to violation of Tamil Nadu Apartment Ownership Act, 1994 and the Fundamental Rights to livelihood.

4.The learned counsel further submits that the petitioner is unable to rent out the flat any further from the date of January 2024, with regards to disconnection of water, which has lead to loss of rental revenue to the tune of Rs.2,20,000/-. Hence the petitioner has sent a legal notice on 10.09.2024 demanding restoration of water supply, which was replied with 30.09.2024 rejecting the restoration.

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5. Aggrieved by the unilateral increase in maintenance charges and the demeanor of the 3rd Respondent, the petitioner had sent representations to the 1st and 2nd Respondents dated 10.10.2024 seeking intervention for the reconnection, no action was taken, hence she has filed this present Writ Petition.

6. The learned Standing Counsel appearing for the respondents 1 and 2 has filed counter affidavit on March 2025 and the relevant paragraph is extracted hereunder:

7) The petitioner Tmt. Dr. S. Shazamani's flat is located in the First Floor (Flat no.105) at Manikandan Block and the same is being kept vacant as of now during the time of inspection, with door has been locked. I further submit that pursuant to the Writ Petition filed by the Petitioner, though we have not received any Representation from the Petitioner herein the premises was inspected on 06.02.2025 12.10 P.M by N. Anantharaman (Assistant Engineer - DEPOT - 112) Notes on Inspection - Mr. Dev Singh was one of the Staff



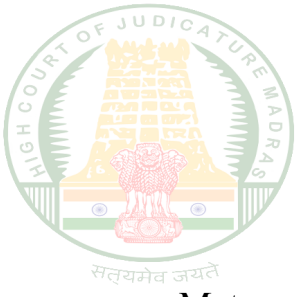
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working in CAFOWA, he admitted that the water line was disconnected by CAFOW Association" it has come to know that the said flat of Tmt.Dr.S. Shazamani's water pipe line has been kept disconnected by the CAFOWA (CHITRA AVENUE FLAT OWNERS WELFARE ASSOCIATION) FOR NON PAYMENT OF THE MONTHLY MAINTENANCE CHARGES AMOUNT OF Rs. 1,77,500/- found from the notice placed in their premises by CAFOWA. As this being of internal dispute among the individual flat owners and the flats owners association. The Chennai Metropolitan Water Supply and Sewage Board has no role of taking action in their internal issues."

7.Heard both sides and perused the materials available on record.

8.The prayer in this writ petition is to direct the 2nd respondent to consider the representation of the petitioner dated 10.10.2024 regarding water connection. In the counter affidavit filed by the respondents 1 and 2 it is clearly stated in paragraph No.7 that the water connection was disconnected by CAFOWA (CHITRA AVENUE FLAT OWNERS WELFARE ASSOCIATION) and not by the 2nd respondent / (CMWSSB) Chennai



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9.Accordingly, the writ petition stands disposed of. No Costs.

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vsn

Index : Yes / No

Speaking / Non-Speaking Order

To

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