



W.P.No.8176 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

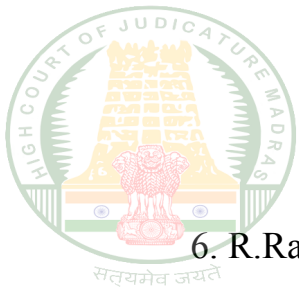
W.P.No.8176 of 2022
and WMP.No.8185 of 2022

Romana

... Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi-Irwin Road, Egmore,
Chennai 600 008.
3. The Assistant Engineer (Division VIII),
CMWSSB Board,
297, Konnur High Road,
Ayanavaram, Chennai 600 023.
4. The Zonal Officer,
Zone No.VIII,
Greater Chennai Corporation,
Shenoy Nagar, Chennai 600 030.
5. The Assistant Engineer,
Tamil Nadu Electricity Board,
Ayanavaram, Chennai 600 023.



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6. R.Ravichandran

WEB COPY 7.D.Arul Raj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondent authorities 1 to 5 not to execute or lay any pipeline and effect water supply connections, laying of roads and to remove the water supply work already executed in the month of March, 2022 in the petitioners property comprised in T.S.Nos.35 to 47, Ayanavaram Village, Ayanavaram Taluk, Chennai measuring 12 grounds.

For Petitioner : Mr.S.Thanikasivan

For R1, R4 : Mr.Rahul Aditya
for M/s.P.T.Ramadevi

For R2 : Mr.R.Sivakumar
Standing Counsel

ORDER

The present writ petition has been filed to direct the authorities 1 to 5 not to execute or lay any pipeline and effect water supply connections, laying of roads and to remove the water supply work already executed in



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the month of March, 2022 in the petitioners property comprised in T.S.Nos.35 to 47, Ayanavaram Village, Ayanavaram Taluk, Chennai measuring 12 grounds.

2. It is the case of the petitioner that the land measuring 12 grounds comprised in T.S.No.35 to 47, Ayanavaram Village and Taluk, Chennai was originally purchased from one Kuppusamy Mudaliar by one Murugammal, grandmother viz. of the petitioner on 17.10.1910. The said Murugammal executed a Will dated 20.03.1946 and bequeathed the said property in favour of her children. The said Will was probated by this Court in O.P.No.265 of 1959. Thereafter, the petitioner and others inherited the said property in their capacity as grandchildren of Murugammal and patta in respect of the said property stands in the name of the petitioner and others. Thereafter, the petitioner filed O.S.No.3000 of 1962 on the file of X Assistant, City Civil Court, Chennai against one Devadass, owner of undivided share of land and the said suit was disposed on 18.07.1989. Under the said proceedings, the said Devadas was handed over his share to the petitioner and her co-shares after receiving the value of Rs.4,69,000/-. In the mean time, some persons who were kept as tenants by the said



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Devadas in the said property refused to vacate from the plots and therefore

the petitioner filed E.P.No.3752 of 1989 , it was held that the said persons

have no right whatsoever in the said property. Thereafter, the petitioner

and her co-sharers have appointed one Balasigamani as their power agent

for the purpose of making developments in the said property. The said

power of attorney agent had colluded with the said occupants in the

property and therefore Ejectment suit Nos.4 of 2001 and etc batch and the

same are pending before the Principal Small Causes Court, Chennai.

Further, misusing the said power of attorney, the said Balasigamani had

created certain documents in his favour and therefore the petitioner filed

O.S.No.4264 of 2010 on the file of City Civil Court, Chennai and the same

is pending. In the meantime, the occupants of the said property filed an

application seeking water supply connection before the 4th respondent and

the 4th respondent also trying to lay a pipeline. Further, the respondent

authorities are also trying to form a road in their property. In this regard,

the petitioner submitted a representation dated 17.03.2022 before the

respondent authority and the same was not considered till date. Hence, the

petitioner has filed the present writ petition.

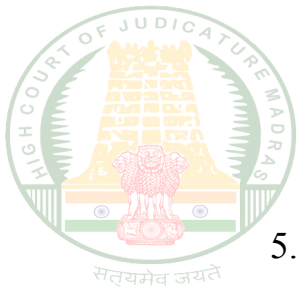


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WEB COPY3. The learned Standing Counsel appearing for the third respondent filed a counter affidavit during the month of December 2022 . Relevant paragraph of the said counter is extracted hereunder :-

“5.In para 10 of the petitioner affidavit I further submit that the averments made by the petitioner are denied by the respondent Board. Further, I submit that the respondent Board had not initiated any action to lay water pipeline at Ananda Vinayakar Koil 3rd street. Also there is no such water connection provided in the subject property, only public fountain is provided by CMWSS Board at Konnur High Road junction of Ananda Vinayakar Koil , 3rd street for general public; complaints were received on 05.09.2022 that additional new Public Fountain (PF) has been erected from the existing Public Fountain by some unknown persons. In this regard, the site was inspected and on the same day pipeline to the New Public Fountain was disconnected”.

4. The learned Standing Counsel appearing for the respondent 6 & 7 submitted that there is an Ejectment suit in respect of the said property between the petitioner and the 6th and 7th respondent and also the ejectment appeal before the Chief Judge, Principal Small Causes Court, Chennai are still pending.



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5. Heard the learned counsel appearing on either side and also perused

the materials available on records.

6. In view of the above submissions made by the learned counsel on either side, the respondent Board has not initiated any action to lay water pipeline there is no such water connection provided in the subject property, only public fountain is provided by CMWSS Board at Konnur High Road junction of Ananda Vinayakar Koil 3rd street, for general public. Further, it is stated that the site was inspected and on the same day pipeline to the New Public Fountain was disconnected .

Accordingly, this writ petition stands disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To
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J.SATHYA NARAYANA PRASAD,J.

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