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W.P.No.4116 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4116 of 2012

And

M.P.No.1 of 2012

P.Sathiyapriya

... Petitioner

Vs.

- 1.The Managing Director,
Chennai Metro Water Supply and Sewage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai – 600 002.
- 2.The Chief Engineer,
(Operation and Maintenance)
Chennai Metro Water Supply and Sewage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai – 600 002.
- 3.The Municipal Commissioner,
Maduravoyal Municipality,
Now merged with Corporation of Chennai,
Ripon Building,
Chennai – 600 003,
Rep. by its Commissioner
Corporation of Chennai.
- 4.The Assistant Executive Engineer,
Corporation of Chennai,
Zone XI, Valasaravakkam,
Chennai.



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5.Vishwa Infrastructures and Service (P) Ltd.

(R4 & R5 impleaded as per Court
order dated 27.2.12 by KVJ in
MP.2/12 in WP.4116/12)

... Respondents

Prayer:

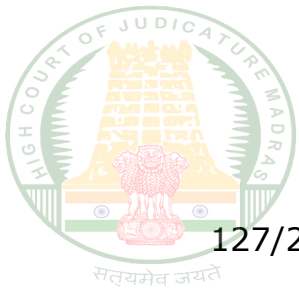
Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents, from digging up pits for construction of sewer channel in petitioner land comprised in Survey No.127 part, in Sub Division Nos.127/9B, 127/10B, 127/15B, 127/21B, 127/27B, 127/35B, 127/36A, 127/39B, 127/45B, 127/46A, 127/16, 127/22, 127/23, 127/28, 127/29, 127/30 and 127/27, situated at Maduravoyal, Ambattur Taluk.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Ms.S.Deepika for R1, R2
Ms.Aswini Devi for R3
R4 – Disd. Vide Court Order
on 14/10/2012 by MJJ
R5 – No Appearance

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents, from digging up pits for construction of sewer channel in petitioner land comprised in Survey No.127 part, in Sub Division Nos.127/9B, 127/10B, 127/15B,

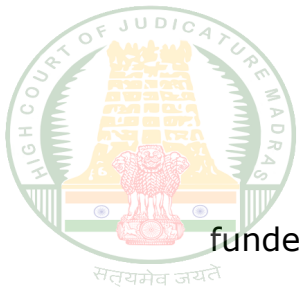


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127/21B, 127/27B, 127/35B, 127/36A, 127/39B, 127/45B, 127/46A,
127/16, 127/22, 127/23, 127/28, 127/29, 127/30 and 127/27,
situated at Maduravoyal, Ambattur Taluk.

2.The learned counsel appearing for the petitioner submitted that the petitioner's deceased grandfather Kasimari Shanmugasundara Nadar owned an extent of 13.77 acres of land in Survey No.127 Part at Maduravoyal and after his demise, there are several litigation in respect of the property between the legal heirs of said Kasimari Shanmugasundara Nadar. Whiles, the officials of respondents 1 to 4 in collusion with the fifth respondent started digging pits for construction of sewer channel in the petitioner's land. In this regard, the petitioner made representation dated 14.02.2012 to the respondents, however, there is no response. Hence, this Court may issue direction to the respondents not to make any construction in respect of the land owned by the petitioner.

3.The learned counsel appearing for the third respondent submitted that the third respondent Municipality now merged with Chennai Corporation and further submitted that the first respondent is executing the UGSS for Maduravoyal Municipality under the JNNURM



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funded jointly by Government of India, Government of Tamil Nadu and concerned ULB and further submitted that under this Scheme Sewerage System comprising manholes and pipelines are provided in every street / road in order to provide basic amenities to the residents of the area. The contract for the scheme work was awarded to the fifth respondent with 24 months contract period. The learned counsel further submitted that if at all the petitioner have any grievance with regard to title, the remedy is available before the civil Court and not before this Court under Article 226 of the Constitution of India.

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

5.The writ petition is of the year 2012. Perusal of records disclose that the contract for the scheme work was awarded to the fifth respondent with 24 months contract period and the period of contract is already over. Hence nothing survives for adjudication in this writ petition. If at all the petitioner have any grievance, the remedy is available before the competent civil Court and not before this Court under Article 226 of the Constitution of India.



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6.The writ petition is dismissed as infructuous. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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