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W.P. No.21654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.21654 of 2023

and

W.M.P. Nos.21022 and 21023 of 2023

S.Selvaraj

..Petitioner(s)

Vs

1. The Divisional Officer
Chennai Metropolitan Water Supply and
Sewerage Board,
No.227, 2nd Avenue, 12th Main Road,
Anna Nagar, Chennai-40.
2. The Assistant Engineer
Chennai Metropolitan Water Supply And
Sewerage Board,
No.11, Subbarayan Street, Shenoy Nagar,
Behind Pachaiyappas College, Chennai-30.
3. Arul Selvam

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records of the 1st respondent in his proceedings dated 10.06.2023 in Letter No.Se.Ku. Va/ Division - 8 / Panimannai- 107/ Special / 2023 and quash the same and consequentially direct the 1st and 2nd respondent to give water and sewerage connection for the petitioner property situated in plot No.2, Door No.1/40/6, Jagannathapuram , 1st Street, Chetpet, Chennai-31.



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For Petitioner : Mr.N.Balaji
For Respondents : Ms.K.Vasanthamala,
Standing Counsel for R1 and R2
R3-NA

ORDER

This writ petition has been filed to quash the proceedings dated 10.06.2023 of the 1st respondent in Letter No.Se.Ku. Va/ Division - 8 / Panimannai- 107/ Special / 2023 and consequently direct the 1st and 2nd respondents to give water and sewerage connection for the petitioner's property situated in plot No.2, Door No.1/40/6, Jagannathapuram , 1st Street, Chetpet, Chennai-31.

2. Facts in brief :-

a) It is stated that one Meena, the mother of the petitioner, is the owner of the property measuring an extent of 535 sq.ft. situated at Plot No.2, Door No.1/40/6, Jogannathapuram, 1st Street, Chetpet, Chennai-31, having purchased the same under a registered sale deed dated 15.06.2006 registered as Document No.1463 of 2006 on the file of the Sub Registrar Office, Periamet, Chennai. Subsequent to the purchase, a construction was put up, thereby the building consists of a ground floor and first floor structure together with a thatched superstructure. When that be so, it is the case of the petitioner that one Amala and Jonnet had encroached upon an extent of 115 sq.ft. out of the said property. Aggrieved by the encroachment, the petitioner along with the



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neighbouring owners instituted a suit in O.S.No.4290 of 2015 on the file of the I Assistant City Civil Court, Chennai, seeking removal of the encroachment and other consequential reliefs.

b) It is further stated that pending the said suit, the petitioner submitted application dated 27.05.2023 seeking water supply and sewage connections to the property. However, the 1st respondent rejected the request by way of impugned proceedings dated 10.06.2023 on the ground that the civil suit viz., O.S. No.4290 of 2015 was pending between the parties. Aggrieved by the impugned proceedings of the 1st respondent dated 10.06.2023, this writ petition has been filed.

3. Learned counsel for the petitioner submitted that due to passing of the impugned proceedings of the 1st respondent, the petitioner has been denied the benefit of basic amenities, causing significant hardship and inconvenience. He fairly submitted that during the pendency of the writ petition, the suit in O.S.No.4290 of 2015 came to be decreed by judgment dated 13.09.2024. The Civil Court decreed prayer Nos.(ii), (iii) and (v) in favour of the plaintiffs and directed the defendants, namely Amala and Jonnet, to remove the said encroachment.

4. Learned counsel further submitted that the said Civil Court also granted a decree of permanent injunction restraining the defendants from



putting up any construction in the common passage so as to obstruct the ingress and egress of the plaintiffs. Placing a copy of the judgement dated 13.09.2024 in O.S. No.4290 of 2015, he pointed out that the Civil Court, Chennai has further clarified that the 3 feet passage is a common passage and neither party can claim exclusive title over the same, though both parties are entitled to use the common passage for maintenance purposes without obstructing the rights of the other.

5. Learned counsel further contended that when such being the position, rejection of the petitioner's application seeking to provide water supply and sewerage connection is non-est in law. In the light of the above, he prayed to quash the impugned order dated 10.06.2023 issued by the 1st respondent as well as prayed for issuance of suitable directions to the respondents to act in terms of the said judgment.

6. Per contra, the learned Standing Counsel appearing for the respondents / Metro Water submitted that pursuant to a complaint received from the private respondents as well as considering the pendency of suit O.S. No.4290 of 2015, the order dated 10.06.2023 has been issued by the 1st respondent. However, she further submitted that the metro sewerage connection has already been provided. She also submitted that if the decree passed in O.S.No.4290 of 2015 has attained finality and the petitioner complies with all necessary formalities



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and remits the requisite charges, the water connection will be provided, within a time frame to be fixed by this Court.

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7. Heard the learned counsel appearing on either side and perused the materials placed on record.

8. It is an admitted fact that the impugned order came to be passed primarily on account of the pendency of the civil suit and the objections raised by the private respondent. Admittedly, during the pendency of the writ petition, the civil suit viz., O.S.No.4290 of 2015 has been decreed in favour of the plaintiffs in respect of prayers (ii), (iii) and (v), therein. It is the contention of the learned counsel for the petitioner that the 3 feet passage is a common passage as per the judgment passed in the said suit. At this stage, the objection raised by the private respondent cannot continue to stand in the way of the petitioner seeking basic civic amenities. Further, this Court is of the view that water supply and sewage connection constitute essential amenities and the respondents cannot deny the same solely on the basis of disputes which now stand adjudicated by the Civil Court.

9. In the light of the subsequent developments and in view of the submission made by the learned Standing Counsel appearing for the official respondents, this Court is of the view that no legal impediment survives for providing water supply connection to the subject property of the petitioner.



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10. Accordingly, the impugned order dated 10.06.2023 issued by the 1st respondent, is hereby set aside. The official respondents are directed to provide water supply connection to the petitioner's premises, subject to the petitioner complying with all statutory requirements and payment of the necessary charges, within a period of four weeks from the date of receipt of a copy of this order. The official respondents are further directed to act in terms of the Judgment and Decree passed in O.S. No.4290 of 2015, dated 13.09.2024 by the learned I Assistant Judge, City Civil Court, Chennai to resolve the disputes between the parties.

11. With the above observations and directions, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

19.06.2026

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

vsi2

To :

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M. DHANDAPANI, J.

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