

IN THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS

(SPECIAL ORIGINAL JURISDICTION)

Under Article 226 of Constitution of India

W.P.No. OF 2008

M/s. Computer Age Management Services Pvt. Ltd.,
Shortly referred as CAMS,
Represented by its S.Shahul Hameed,
Assistant Manager – Legal,
Chennai

... Petitioner

Versus

Chennai Metropolitan Water Supply and Sewerage Board,
Represented by the Chief Engineer,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002

... Respondent

AFFIDAVIT OF S.SHAHUL HAMED

I, S. Shahul Hameed, s/o. _____, Hindu, aged about ___ years, residing at _____, do hereby solemnly affirm and sincerely state as follows: -

1. I am the Assistant Manager – Legal for the Petitioner Company and as such well acquainted with the facts and circumstances of the case and based on records, I am competent to swear this affidavit.

2. I submit that Ms. B.Mrudala, the lessor of the property inducted the petitioner as a tenant vide lease deed dated 22/08/2002 in the leased premises bearing Door No.609, 2nd Floor, of the “Lakshmi Bhavan” Building, Annasalai, Chennai – 600 006, measuring about 3300 Sq. Ft. (ABCD Portion) for a period of six years final and not more than that. I submit that Ms. B.Mrudala, the lessor of the property also inducted the petitioner as a tenant vide lease deed dated 22/08/2002 for another portion of the property bearing Door No.609, 6th Floor, of the “Lakshmi Bhavan” Building, Annasalai, Chennai – 600 006, measuring about

750 Sq. Ft. (E Portion) for a period of six years final and not more than that. I further submit that Dr. M.A.Kabeer, the lessor of the property also inducted the petitioner as a tenant vide lease deed dated 30/12/2006 for another portion of the property bearing Door No.609, Flat No.G, Ground Floor, "Lakshmi Bhavan" Building, Annasalai, Chennai – 600 006, measuring about 2000 Sq. Ft. plinth area for a period of 30 months. I submit that M/s. Swathi Enterprises represented by its proprietrix Mrs. Vijayasudha, lessor of the property too inducted the petitioner as a tenant vide lease deed dated 01/04/2002 for another portion of the property bearing Door No.609, Flat No.A&B, Ground Floor, "Lakshmi Bhavan" Building, Annasalai, Chennai – 600 006, measuring about 1037 Sq. Ft. plinth area for a term of six years. M/s. Swathi Enterprises represented by its proprietrix Mrs. Vijayasudha, lessor of the property inducted the petitioner as a tenant vide lease deed dated 01/04/2002 for another portion of the property bearing Door No.609, Flat No.1E, 1st Floor, "Lakshmi Bhavan" Building, Annasalai, Chennai – 600 006, measuring about 750 Sq. Ft. plinth area for a term of six years. Lastly Mrs.Vijayasree, the lessor of the property inducted the petitioner vide lease deed dated 8/9/2005 for another portion of the property bearing Door No.609, 6th Floor, "Lakshmi Bhavan" Building, Annasalai, Chennai – 600 006, measuring about 650 Sq. Ft. plinth area for a term of three years.

3. I submit that the property bearing Door No.1A, 1B, 1C, 1E of 1st Floor, 1G of Ground Floor and 2A, 2B and 2D of Second Floor and Door No.6B and 6E of 6th Floor of A & B of the Lakshmi Bhavan Building was occupied by the petitioner company for a long term and as the holder of the major portions of the building, the petitioner is very prompt and regular in paying all its rents, taxes, electricity bills etc., with respect to the properties leased to it.

4. I submit that the major portion of the said building was possessed by the CAMS, the petitioner herein and the remaining balance portion was occupied and possessed and enjoyed by other persons. It is further pertinent to note that all the maintenance and other activities relating to the said building was maintained by an Association called "Lakshmi Bhavan Maintenance Association" which is formed by all the members of the said building.

5. I submit that the petitioner is regular in paying all taxes relating to the leased premises up to date and the petitioner has also paid for all its leased premises collectively vide Cheque bearing No.229004 dated 9/1/2008 drawn on ABN-Amro Bank for an amount of Rs.8,357/- (Rupees Eight Thousand and Three Hundred and Fifty Seven only) in favour of the “Lakshmi Bhavan Maintenance Association” in order to be paid to the Chennai Metropolitan Water Supply and Sewerage Board charges (referred shortly as CMWSSB), the respondent herein for the charge amount relating to the current year and the respondent has also given a receipt of the charge amount for the payment made by the petitioner with respect to all the leased premises in the building.

6. I submit that the petitioner company is a leading Registrar of Transfer Agent (RTA) registered with SEBI, duly incorporated under the Companies Act, 1956 and it enjoys a huge amount of reputation and fame in its business. It is also a provider of transfer agency services to various noteworthy mutual fund clients and others and it also handles new fund issues of the said mutual funds. There are altogether 70 employees working in the said premises under the petitioner company in the said building excluding the visitors and clients of the petitioner.

7. I submit that while being so, the respondent without any prior notice in writing either to the Maintenance Association or to the owner had arbitrarily disconnected the common sewerage line for all the premises in Lakshmi Bhavan Building which acts as a link to the main sewerage line of the respondent. Due to this violative act on the part of the respondent, there is a stagnation of slain water in the pathway to the petitioner’s premises and the said stagnation of slain water also made the entire environment of the premises as unfit for human consumption leading to serious threat to health hazards and living conditions of the employees working there and also to the visitors which ultimately leads to mosquito’s escalation and a odour smell and thereby causing mental agony, vomiting and serious health problems and money loss and even loss of certain clients on the part of the petitioner.

8. I submit that the petitioner has made many oral representations in person and also through phone regarding the stagnation of sewerage water and recently the petitioner has made a written representation dated 2/2/2008 asking the respondent to connect the common sewerage link with the major line of the

respondent and to release the block made by the respondent. But there is no effective steps taken by the respondents till now to clear the stagnation and when it was questioned the respondent authorities even failed to reply. I submit that I am a prompt tax payer to the respondent due to which the respondent owes a legitimate duty to clear out the problem of stagnation of sewerage water in front of the premises and it is obligatory on the part of the respondent to take immediate remedial steps and thereby ensure to relieve the petitioner from the stagnation caused by the respondent. Hence the petitioner has left with no other alternative remedy than to approach this Hon'ble Court by invoking its extra ordinary jurisdiction under Article 226 of the Constitution of India.

Thus under the circumstances, I pray this Hon'ble Court may be pleased to issue an order or direction or any other appropriate order especially in the nature of a **WRIT OF MANDAMUS**, directing the respondents to do their duty of clearing the said stagnation of sewerage water, connect the common sewerage link with the major line of the respondent and to release the block made by the respondent and to repaid it properly and pass such further orders which deem fit and necessary and in interest of justice and thus render justice.

Solemnly affirmed at Chennai ()
this the __ day of February 2008 ()
and signed his name in my presence ()

Before Me,

Advocate, Chennai

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M/s. Computer Age Management Services Pvt. Ltd.,
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... Petitioner

Versus

The Chief Engineer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002

... Respondent

WRIT PETITION

WRIT PETITION

1. The Petitioner is M/s. Computer Age Management Services Private Limited company, Shortly referred as CAMS, Represented by its S.Shahul Hameed, Assistant Manager – Legal, having its registered office at 609, Lakshmi Bhavan, Anna Salai, Chennai – 600 006.

 The address for service of all notices and processes on the Petitioner is that of their Counsel M/s. S&P Legal Experts and Attorneys at 211 Law Chambers, High Court Campus, Chennai – 104.

2. The Respondent Chennai Metropolitan Water Supply and Sewerage Board, represented by its Chief Engineer, having its office at No.1, Pumping Station Road, Chintadripet, Chennai - 600 002.

The address for service of all Notices and processes on the Respondents is the same as stated above.

3. For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an order or direction or any other appropriate order especially in the nature of a **WRIT OF MANDAMUS**, directing the respondents to do their duty of clearing the said stagnation of sewerage water, connect the common sewerage link with the major line of the respondent and to release the block made by the respondent and to repair it properly and pass such further orders which deem fit and necessary and in interest of justice and thus render justice.

Dated at Chennai this the day of February 2008

COUNSEL FOR PETITIONER