

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1089 of 2015

1. Administrator
Chennai Metropolitan Water Supply and Sewerage Board
No.1, Pumping Station Road
Chintadripet
Chennai-600 002.
 2. Executive Engineer
Chennai Metropolitan Water Supply and Sewerage Board
Area - 20(AUA) Office
No.2, T.S.K. Nagar
Mogappair
Chennai-600 037.
- ...Appellants/Petitioners

vs.

B.R. Padmanaban ...Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 16.02.2015 in W.P.No.13543 of 2014 on the file of this Court.

Prayer in W.P.No.13543 of 2014:

Writ Petition presented under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, to call for the records pertaining to the order dated 6.12.2013 made in F.A.No.58 of the file of the State Consumer Disputes Redressal Commission, Chennai, in partly allowing the Complaint in C.C.No. 258 of 2011 on the file of the District Consumer Disputes Redressal Forum, Chennai (South) and quash the same.

For Appellants : Mr.N. Ramesh

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J)

This intra court appeal is directed against the order dated 16 February 2015 in W.P.No.13543 of 2014 whereby and whereunder, the learned Single Judge dismissed the writ petition filed by the appellants with liberty to exhaust the remedy available under the Consumer Protection Act.

2. Heard the learned counsel for the appellants.

3. The respondent filed a complaint before the District Consumer Redressal Forum alleging deficiency of service on the part of appellants. The District Forum dismissed the complaint. The respondent filed a statutory appeal in F.A.No.58 of 2013 before the State Consumer Disputes Redressal Forum, Chennai. The State Forum was pleased to allow the appeal and directed the appellants to refund a sum of Rs.80/- which was collected as Surcharge. There was a further direction to pay a sum of Rs.1,000/- towards deficiency of service and mental agony. The appellants were also directed to pay a sum of Rs.2,000/- by way of costs.

4. The order was challenged before the writ Court.

5. The learned Trial Judge having found that the appellants are having an alternative remedy under the Consumer Protection Act, dismissed the writ petition, without considering the merits of the matter.

6. There is no question of entertaining a writ petition in a matter covered by the provisions of Consumer Protection Act. We, therefore do not find any reason to entertain this Intra Court Appeal.

7. In the upshot, we dismiss the writ appeal. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Tr/

To

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1 CC to Mr.N. Ramesh, Advocate SR.No. 40705

5 CCs to Mr.B.R. Padmanabhan, Party in Person, SR.No. 41190

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SKV (CO)
PSI (20.08.2015)



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