

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.09.2015

Coram

The Hon'ble Mr. Justice T.S. SIVAGNANAM

W.P. No.34037 of 2014

Raja Babu
Rep., by its Partner,
M/s.Jayapradha Theatres,
No.37 & 38, General Peters Road,
Chennai - 2.

.. Petitioner

Vs

1.The Managing Director,
Chennai Metro Water Supply and
Sewerage Board,
No.2, Pumping Station Road,
Chintadripet,
Chennai -2.

2.The Area Engineer,
Chennai Metro Water Supply and
Sewerage Board/Area,
No.1 M.C.Road,
Chennai - 21.

3.The Deputy Collector (R&R)
Chennai Metro Water Supply and
Sewerage Board,
No.1, M.C.Road,
Chennai - 21.

4.The Depot Manager,
Chennai Metro Water Supply and
Sewerage Board,
No.1, M.C.Road,
Chennai - 21.

5.The Senior Accounts Officer,
Chennai Metro Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 2.

.. Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the entire records related Nos.L.No.CMWSSB/Area V/BSC/R1/9599/2014 in CMC, to the impugned notice Nos.05/063/04130/000, dated 12.11.2014, demanding for Rs.19,78,558/10ps., passed by the second respondent and quash the same as illegal arbitrary without basic of law and consequently forbearing the respondents from taking any coercive action/steps against the petitioner and pass further or other orders.

For Petitioner : No Appearance

For Respondents : Mr.G.Najakiraman

ORDER

When the matter is called today, the party-in-person did not appear. A representation was made by one counsel stating that they have been instructed to appear on behalf of the petitioner, however, there was no vakalat on record and therefore, such request cannot be entertained.

2. The only grievance expressed by the petitioner is that because the certified copy of the order dated 11.06.2014 in W.P.No.8113 of 2011, is yet to be received by him, he could not prefer any appeal. In fact, this complaint was made by the petitioner appearing-in-person before the First Bench and thereafter, the matter was list before this Court.

3. On the last hearing i.e., on 28.08.2015, there was no appearance by the petitioner, but at the request of the learned Senior counsel appearing for the respondent, the matter was adjourned for getting instructions, since the petitioner moved a Miscellaneous Petition stating that no coercive action should be taken against the property for the recovery of arrears of tax and charges.

4. In the light of the above, the matter was passed over forenoon session and the Registry was directed to report as to whether the petitioner appearing-in-person has been furnished the certified copy of the order in W.P.No.8113 of 2011. When the matter was taken up in the afternoon session, the Registry has intimated that the Copy Application was filed by the petitioner in the C.D., Section on 07.01.2015 in Application No.305 of 2015 and on 19.01.2015, the petitioner was called for to affix the stamps and a copy of the order was issued to the petitioner on 20.01.2015. Therefore, the petitioner has to file an appeal as directed in the said order in

W.P.No.8113 of 2011.

5. Accordingly, four weeks time is granted to the petitioner to prefer an appeal before the Appellate Tribunal in terms of the direction issued in W.P.No.8113 of 2011 and it is open to the petitioner to move an appropriate interim application also in the said appeal, if he so advised. Till the filing of the appeal i.e., four (4) weeks from the date of receipt of a copy of the order, no coercive action shall be initiated against the petitioner, for recovery of the tax and charges.

6. The Writ Petition stands disposed of on the above terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

pbn

To

1.The Managing Director,
Chennai Metro Water Supply and
Sewerage Board,
No.2, Pumping Station Road,
Chintadripet,
Chennai -2.

2.The Area Engineer,
Chennai Metro Water Supply and
Sewerage Board/Area,
No.1 M.C.Road,
Chennai - 21.

3.The Deputy Collector (R&R)
Chennai Metro Water Supply and
Sewerage Board,
No.1, M.C.Road,
Chennai - 21.

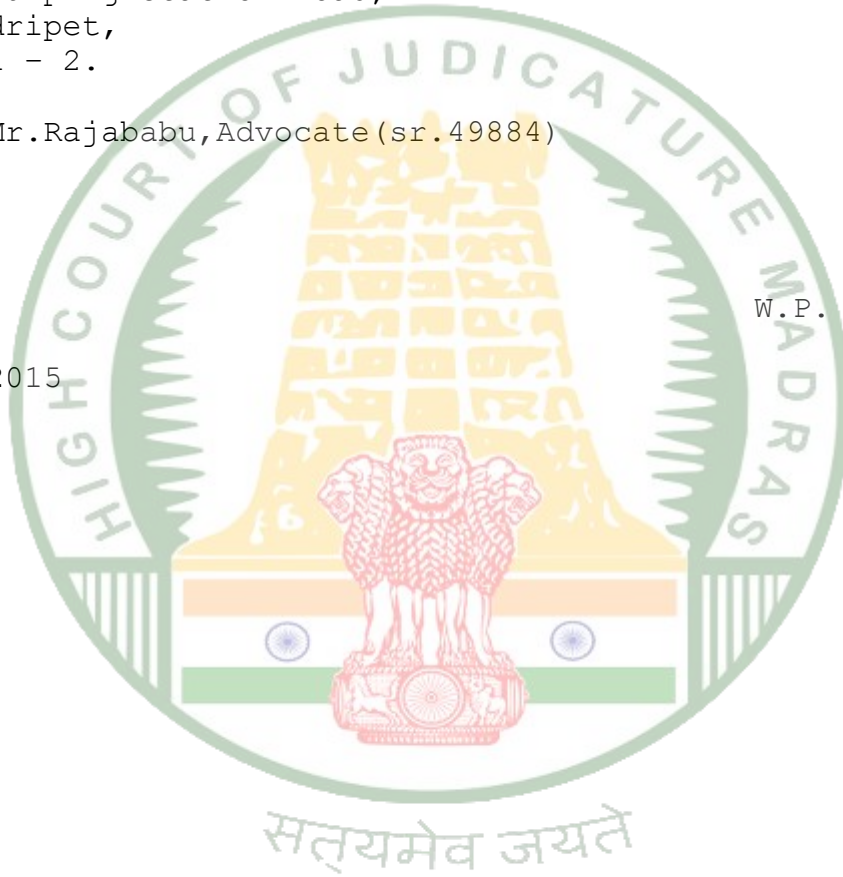
4.The Depot Manager,
Chennai Metro Water Supply and
Sewerage Board,
No.1, M.C.Road,
Chennai - 21.

5.The Senior Accounts Officer,
Chennai Metro Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 2.

+1 cc to Mr.Rajababu, Advocate (sr.49884)

ctk(co)
cp 30/09/2015

W.P. No.34037 of 2014



WEB COPY