

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2015

Coram

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

Writ Petition No.10253 of 2002
and
W.P.M.P.No.13869 of 2002

Anjuman E Himayath E Islam
rep. By its Honourary Secretary.

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Municipal Administration and Water Supply Dept.
Fort St. George, Chennai - 600 009.
 2. The Chennai Metropolitan Water Supply
and Sewerage Board,
rep. by its Chairman,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.
 3. The Senior Accounts Officer,
The Chennai Metropolitan Water Supply and Sewerage Board,
Area II, I.M.C. Road, Anna Poonga.
Chennai - 600 021.
 4. The Area Engineer,
The Chennai Metropolitan Water Supply and Sewerage Board,
Area II, I.M.C. Road, Anna Poonga.
Chennai - 600 021.
 5. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.
- (R-5 impleaded as per order dt. 8.4.2002 in
WPMP No.14688 of 2002)
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for entire records from the respondents herein relating to cut of notice under reference No.M.M.C.02/027/1264/600000/4, dated 03.01.2002, demanding enhance tax in respect of Door No.45, Moore Street, Parrys, Chennai - 600 001 issued by the fourth respondent and to quash the same as ultra vires of the

Act, without jurisdiction, and arbitrary, illegal and consequently, to direct the respondents not to levy or collect water tax for the petitioner's building.

For Petitioner : Mr.S.A.Hafiz

For Respondent-1 : Mr.S.Diwakar
Additional Government Pleader

For Respondents 2 to 4 : Mr.M.Jothikumar

For Respondent -5 : Mr.P.V.Selvakumar

O R D E R

The petitioner-Trust has filed this Writ Petition, challenging the demand notice issued by the Chennai Metropolitan Water Supply and Sewerage Board (for short 'CMWSSB') on the ground that they have not paid enhanced water and sewerage tax and charges consequent upon the revision of the property tax.

2. At the time, when the Writ Petition was entertained, interim stay was granted by this Court, with a proviso that the entire balance of Rs.2,16,703/- as demanded in the impugned notice, dated 03.01.2002, should be paid by the petitioner in 10 equal installments, the first of which to be paid from 02.05.2002, and the rest of the amount to be paid on or before the 2nd day of every succeeding month. Further, it was ordered that, if any one of the payment is defaulted, the interim stay would be automatically vacated, without any further reference to this Court. The learned counsel appearing for the respondent-Board is not able to report as to whether the conditional order has been complied with or not. In any event, the conditional order, is a self working order, and in the event of default committed by the petitioner, the stay would have been vacated. Further, if the petitioner has complied with the condition, and entire demand would have been satisfied, and there was nothing more to be decided in the Writ Petition. That apart, the Writ Petition is of the year, 2002 and by efflux of time, no useful purpose would be achieved, in keeping this Writ Petition pending. Even assuming that there was due to be complied with, the respondent-Board would have issued further demand.

3. In the light of the above reasons, the Writ Petition is allowed, impugned order stands quashed, leaving open to the respondent-Board to initiate appropriate action, if there is a cause of action to do so, as and when a need arises.

Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Municipal Administration and Water Supply Dept.
Fort St. George, Chennai - 600 009.
2. The Chennai Metropolitan Water Supply
and Sewerage Board,
rep. by its Chairman,
No.1, Pumping Station Road,
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3. The Senior Accounts Officer,
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4. The Area Engineer,
The Chennai Metropolitan Water Supply and Sewerage Board,
Area II, I.M.C. Road, Anna Poonga.
Chennai - 600 021.
5. The Commissioner, Corporation of Chennai,
Chennai - 600 003.

+1 cc to Government Pleader, sr.61793

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