

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4615 of 2015

M.Babu

... Petitioner

Versus

1.The Divisional Engineer,
Chennai Metropolitan Water Supply
and Sewerage Board-VIII(Old-V)
No.227, 12th Main Road,
II Avenue, Annanagar,
Chennai-600 040

2.The Depot Manager,
Chennai Metropolitan Water Supply
and Sewerage Board-VIII(Old-V)
No.227, 12th Main Road,
II Avenue, Anna Nagar,
Chennai-600 040

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari to call for the records of the disconnection notice in Sl.No.234 in Depot No.106 dated 07.02.2015 on the file of the first respondent and quash the same.

For Petitioner : Mr.V.Bhiman

For Respondents :Mr.M.Jothikumar

ORDER

Heard Mr.V.Bhiman, learned counsel for the petitioner; Mr.M.Jothikumar, learned counsel, accepting notice for the respondents- Chennai Metropolitan Water Supply and Sewerage Board and with the consent of parties, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner seeks for issuance of a writ of certiorari to quash the notice issued by the first respondent, dated 07.02.2015, by which the first respondent has demanded payment of water and sewage tax as well as surcharge for the period from first half year of 2000-01 to second half year of 2014-15, totally a sum of Rs.6,40,764/-.

3. The main ground on which the impugned order has been challenged is by contending that the levy of Surcharge is without any basis and without furnishing any particulars. That apart, the claim for tax at the rate of Rs.3,13,559/- with retrospective effect is also illegal.

4. It is submitted that the tax originally fixed has been paid by the petitioner and without furnishing any particulars, now the respondent Board has issued the impugned notice and also threatened disconnection of water and sewage connections.

5. Considering the fact that the petitioner has not been furnished with the particulars as regards the basis of the impugned demand, this Court is of the view that the petitioner should be directed to remit ad hoc payment without prejudice to his right, so as to enable the respondent Corporation to furnish the particulars and thereafter proceed in accordance with law.

6.In the light of the above, there will be a direction to the petitioner to pay a sum of Rs.1,50,000/-(Rupees one lakh fifty thousand), within a period of four weeks from the date of receipt of a copy of this order and on such payment being made, the respondents shall furnish the calculation sheet, based on which the demand has been made and after affording an opportunity of personal hearing to the petitioner and hearing his objections, pass fresh orders on merits and in accordance with law within a period of four weeks thereafter. In the event, the petitioner fails to comply with the conditional order passed by this Court within the time stipulated, this order will not enure to his benefit and the writ petition will stand dismissed without further reference to this Court and the respondent Board will be entitled to recover the amount demanded in the impugned notice, by following due process of law.

7. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To

1.The Divisional Engineer,
Chennai Metropolitan Water Supply
and Sewerage Board-VIII(Old-V)
No.227, 12th Main Road,
II Avenue, Annanagar,
Chennai-600 040

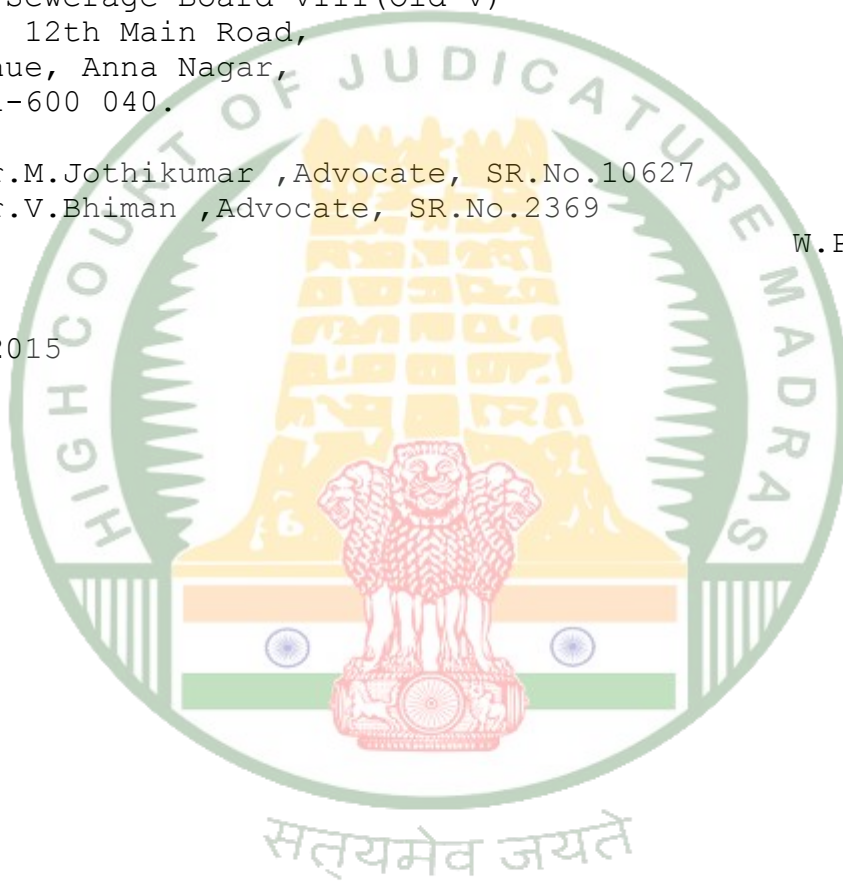
2.The Depot Manager,
Chennai Metropolitan Water Supply
and Sewerage Board-VIII(Old-V)
No.227, 12th Main Road,
II Avenue, Anna Nagar,
Chennai-600 040.

1 cc to Mr.M.Jothikumar ,Advocate, SR.No.10627

1 cc to Mr.V.Bhiman ,Advocate, SR.No.2369

W.P.No.4615 of 2015

sr(co)
pmk.11.3.2015



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