

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5321 of 2015

and

M.P.No.1 of 2015

K.Vimala Devi,
W/o.P.Kulandaikani

... Petitioner

vs.

1.Chennai Metropolitan Water Supply
and Sewerage Board,
represented by its
Senior Accounts Officer,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.

2.The Depot Manager,
Chennai Metropolitan Water Supply
and Sewerage Board,
Zone X, Ward No.129,
No.9, Muthukrishnan Street,
T.Nagar, Chennai - 600 017.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to Demand Notice dated 13.02.2015 issued by the first respondent related to 10/129/13801/000 in respect of the premises at No.13, V.O.C. Street, Gandhi Nagar, Saligramam, Chennai - 600 093 and the consequent Disconnection Notice dated 23.02.2015 issued by the second respondent and quash the same.

For Petitioner : Mr.Shivakumar
For Respondents : Mr.Jothikumar
for CMWSSB

O R D E R

The petitioner challenges the Demand Notice issued by first respondent addressed to Chalid Fruit Matriculation School dated 13.02.2015 and the consequent Disconnection Notice dated 23.02.2015 issued by the second respondent.

2. Heard learned counsel for petitioner and learned standing counsel for respondents.

3. Learned counsel for petitioner has stated that the petitioner is the absolute owner of the premises bearing Door No.13, VOC Street, Saligramam, Chennai - 93, wherein one Child Fruit Matriculation School is being run. The petitioner has purchased the property and he is having property tax card to show that the property is in the name of the petitioner and not in the name of the School. However, the respondents have sent demand notice dated 13.02.2015 and disconnection notice dated 23.02.2015 to the Child Fruit Matriculation School. Hence, the demand notice sent by the first respondent and consequent disconnection notice are liable to be set aside.

4. When the petitioner has produced document viz., property tax card, to show that the property stands in his name, it is open to the respondents to demand tax payable by the petitioner, but, it should be addressed in the name of the petitioner and not in the name of the School.

This Writ Petition is allowed and the impugned demand notice dated 13.02.2015 and disconnection notice dated 23.02.2015 are set aside. It is open to the respondents to issue fresh demand notice after incorporating the name of the petitioner and after arriving at a correct tax to be payable by the petitioner. The respondents are further directed to afford an opportunity of personal hearing to the petitioner before passing any order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1.The Senior Accounts Officer,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
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Chennai Metropolitan Water Supply
and Sewerage Board,
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BVR (CO)

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