

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.5340 of 2015
and MP.Nos. 1 and 2 of 2015

I.Susai

... Petitioner

Vs.

1. The Chennai Metropolitan
Water Supply and Sewerage Board
rep. By its Chairman,
No.1, Pumpin Station Road,
Chidadripet, Chennai.

2. The Area Engineer V,
CMWSS Board, Area V
No.1, M.C. Road, Royapuram,
Chennai 600 013.

3. Vadivelu

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 2nd respondent dated 17.2.15 and quash the same.

For Petitioner : Mr.N.A.Nissar Ahmed

For R1 and R2 : Mr.M.Jothikumar

O R D E R

Heard Mr.N.A.Nissar Ahmed, learned counsel for the petitioner, Mr.M.Jothikumar, learned counsel appearing for the respondents 1 and 2 and with their consent, the writ petition itself is taken up for disposal at the admission stage.

2. The petitioner seeks for issuance of a writ of certiorari to quash the order dated 17.2.2015 passed by the second respondent.

3. The petitioner earlier approached this Court by filing Writ Petition in WP.No.22957 of 2009 wherein he sought for quashing the demand dated 23.10.2009 stating that there is no water connection or sewerage connection to the premises in question and without issuing prior notice, demand has been issued. This Court, while allowing the

writ petition by order dated 07.10.2014, set aside the demand dated 23.10.2009 and directed the respondent to issue show cause notice to the petitioner and pass orders within six weeks, after hearing the petitioner's objection. As per the direction issued by this Court, a show cause notice was issued to the petitioner on 06.12.2014. The petitioner has also submitted his objections. However, without passing a reasoned order, once again the demand has been issued by the respondent.

4. Therefore, before issuing a demand, the respondent should have passed a reasoned order considering the petitioner's objections. Since that has not been done, the impugned demand dated 17.2.2015 is quashed and the matter is remanded to the respondent to consider the petitioner's objections dated 16.12.2014 and pass a reasoned order on merits and in accordance with law accompanied by demand. The above exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman, the Chennai Metropolitan Water Supply and Sewerage Board, No.1, Pumpinh Station Road, Chidadripet, Chennai.
2. The Area Engineer V, CMWSS Board, Area V, No.1, M.C. Road, Royapuram, Chennai 600 013.

+ 1 cc to Mr.N.A. Nissor Ahmed, Advocate Sr.11458

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TS(CO)
Eu 16.03.15