

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8787 of 2015

&

M.P.Nos.1 & 2 of 2015

Sundaram Medical Foundation,
Dr.Rangarajan Memorial Hospital,
Shanthi Colony, 4th Avenue,
Anna Nagar, Chennai 600 040
Represented by its Trustee & Director-Administration
T.N.P.Durai.

...Petitioner

Vs.

Chennai Metropolitan Water Supply and Sewerage Board,
New No.227, 2nd Avenue,
12th Main Road, Anna Nagar,
Chennai-600 040,
Represented by its Area Engineer-VIII.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the respondent vide impugned letter bearing Lr.No.CMWSSB/Area-VIII/B&C/Spl/2015, dated 11.03.2015 issued by the respondent and quash the same.

For Petitioner : Mr.R.Muthukumarasamy
Senior Counsel for
M/s.T.K.Bhaskar

For Respondent : Mr.Jothikumar (CMWSSB)

O R D E R

The petitioner has come forward with the aforesaid prayer.

2. This Court, by order dated 12.01.2015 in W.P.No.2383 of 2009 has directed the Commissioner, Corporation of Chennai, to pass fresh orders on merits, after affording an opportunity to the petitioner for personal hearing. According the respondent,

Corporation of Chennai has fixed the enquiry on 06.04.2015, in the mean while, there is a communication from the Chennai Metropolitan Water Supply and Sewerage Board that the petitioner is liable to pay a sum of Rs.48,27,200/- including surcharge from 2000-01 to 2014 (2nd half of 2014).

3. The Communication has been issued without realising the order dated 12.01.2015 in W.P.No.2383 of 2009 and the respondent herein was not a party in the said writ petition. Unless or until, an order was passed by this Court to the Corporation of Chennai, the respondent-Chennai Metropolitan Water supply and Sewerage Board cannot demand the payment of water tax and surcharges etc., as mentioned in the communication dated 11.03.2015. Hence, the impugned demand is set aside and it is open to the respondent to proceed with according to law, after the compliance of the order by the Corporation of Chennai made in W.P.No.2383 of 2009 dated 12.01.2015.

4.The writ petition is allowed to the extent mentioned supra. With the above observation, the petitioner is directed to communicate the pendency of proceedings before the Corporation of Chennai along with the order dated 12.01.2015 in W.P.No.2383 of 2009 passed by this Court together with order made in this writ petition, so that no further steps are taken by the Chennai Corporation, pursuant to the order dated 12.01.2015. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

The Area Engineer-VIII.
Chennai Metropolitan Water Supply and Sewerage Board,
New No.227, 2nd Avenue,
12th Main Road, Anna Nagar, Chennai-600 040,

1 CC to M/s.T.K.Bhaskar, Advocate SR.No. 17413

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PUR (CO)

PSI (21.04.2015)