

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.15104 of 2013 &
M.P.Nos. 1 of 2013 and 1 of 2014

K.R.Narayanan

.. Petitioner

Vs.

Chennai Metropolitan Water Supply
and Sewerage Board

rep. By its Assistant Engineer
Division - X, Adyar, Chennai 600 020.

.. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records of the respondent pertaining to his impugned demand notice dated 09.05.2013 in File No.CMC No. 10/149/1117/SB and quash the same as null and void and consequently forbear the respondent from disconnecting the water and sewerage connection of the petitioner's premises bearing Door No.49, New No.41, 1st Main Road, R.K.Nagar, Chennai 600 028.

For Petitioner : Mr.T.Ramachandran

For Respondent : Mr.G.Janakiraman
Standing Counsel

सत्यमेव जयते
O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.T.Ramachandran, learned Counsel appearing for the petitioner and Mr.G.Janakiraman, learned Standing Counsel appearing for respondent.

3.The petitioner has come forward with this Writ Petition for quashing the impugned demand notice passed by the respondent dated 09.05.2013, and to forbear the respondent from disconnecting the water and sewerage connection of the petitioner's premises.

4. Petitioner is the owner of the property comprised in Door No.49, New No.41, 1st Main Road, R.K.Nagar, Chennai 600 028 and has developed the property by entering into developmental agreement with the Builder. It is submitted that there are some disputes between the petitioner and the Builder and the matter is now pending before the Arbitration. In the interregnum, the petitioner as the owner of the property has obtained water and sewerage connection in the name of the Secretary of residence association. The petitioner would state that most of the flats are in unfinished stage on account of the dispute between the petitioner/land owner and the builder and so far as the impugned notice is concerned, it is a cut off notice calling upon the petitioner to pay a sum of Rs.50,082/-.

5. Counter affidavit has been filed by the respondent, wherein it has been stated that due to accumulation of water supply charges, the earlier notice dated 12.02.2013, was issued demanding a sum of Rs.60.473/- and as the petitioner has paid only a sum of Rs.20,545/- thereafter, the impugned cut off notice dated 09.05.2013 has been issued demanding a sum of Rs.50,082/-.

6. It is seen that as per the impugned notice, the amount payable is Rs.50,082/-, calculated at the rate of Rs.1,720/- per month. Since there is a dispute between the petitioner/land owner and the builder, the petitioner has to necessarily pay the said amount, pending regular assessment which can be done only after the property is assessed to property tax by the Corporation of Chennai. Therefore, the petitioner should continue to make remittances without prejudice to his rights so as to enjoy the benefit of water and sewerage connection.

7. Accordingly, the Writ Petition is disposed of by directing the petitioner to pay a sum of Rs.50,082/- within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, the petitioner shall continue to remit the water and sewerage charges at the rate of Rs.1,720/- per month and that remittance shall be subject to the regular assessment which shall be made by the Corporation of Chennai. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

rpa

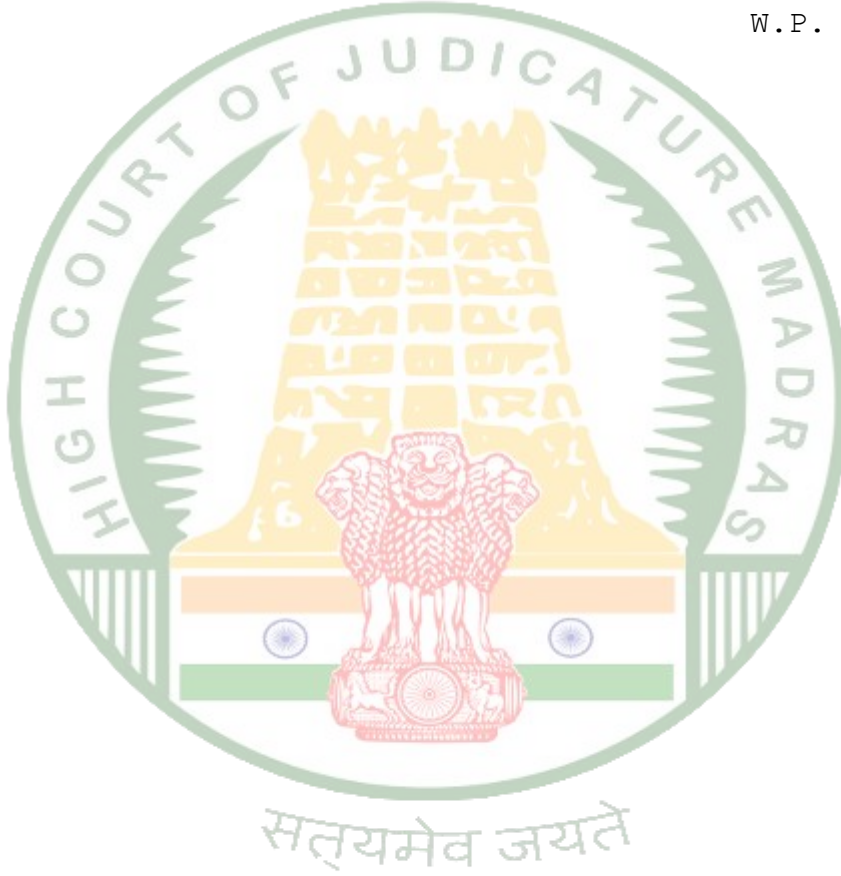
To

Chennai Metropolitan Water Supply
and Sewerage Board
rep. By its Assistant Engineer
Division - X, Adyar, Chennai 600 020.

1 cc to Mr.T. Ramachandran, Advocate, sr. 10118

W.P. No.15104 of 2013

GJ (CO)
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