

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

Writ Petition No.12630 of 2016

&

w.M.P.No.10897 of 2016

Anjuman - E-Mufid-E-Ahl-E-Islam

Rep by its Hony-Secretary

Dr.Syed Khaleefathullah (Senior Citizen)

Having Office at No.846, Mount road,

Waller Road, Chennai-600 002.

...Petitioner

Vs.

1. The Commissioner

Corporation of Chennai Ripon Building
Chennai-600 003

2 The Tahsildar / Deputy

Collector Chennai Metro Water Supply and
Sewerage Board Area - 05 NO.1 M.C.Road
Chennai-600 021.

3 The Special Tahsildar

Revenue Recovery Area-V Chennai Metro
Water Supply and Sewerage Board Chennai-2...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records from the 2nd and 3rd respondent of their impugned demand notice in Old.CMC.No.06/082/0413/000000 dated 07.01.2016 revising from Rs.21,088/- to Rs.5,33,325/- as half yearly Chennai Metro Water Supply and Sewerage Board Tax and quash the same and direct the Respondents to collect the pre-revised Chennai Metro Water Supply and Sewerage Board tax and adjust the tax amount already paid till disposal of the Writ Petition.

For Petitioner : Mr.A.Abdul Rahim

For Respondents : Mr.P.V.Selvakumar for R1

Mr.M.Jothikumar for R2 and 3

O R D E R

Heard learned counsel for the petitioner and the learned counsel appearing for the respondents.

2. Petitioner is a Society registered under the Literary, Scientific & Charitable Societies Act, 1860 and the challenge in this writ petition is to a demand notice issued by the CMWSSB dated 07.01.2016, demanding water and sewerage tax being an amount of Rs.5,33,325/-. The petitioner did not effect payment of the amount and therefore the connection has been disconnected on 31.03.2016. After, which the petitioner has rushed to this Court stating that they should be given an amnesty on the ground that they are a charitable organisation running educational institutions etc., However, the petitioner appears to have adopted a lethargic attitude when notices were issued by the respondent. The petitioner is unaware as to whether the annual value of the buildings have been revised.

3. Learned standing counsel for CMWSSB on instructions submitted that proceedings dated 07.01.2016 is infact a notice given to the petitioner. If the petitioner has objected to the increase of the annual value of the building then they could have very well submitted a reply to that effect. Learned counsel for the Corporation of Chennai submits that as on date there is no challenge to the fixation of the annual value of the building. Therefore, prima facie there is no error in the impugned proceedings. However, taking into consideration that the petitioner is an charitable organisation running educational institutions etc., this court is of the view that some reprieve may be granted to the petitioner.

4. Accordingly, the writ petition is disposed of by directing the petitioner to pay 50% of the impugned demand dated 07.01.2016. If the said amount is paid by the petitioner, then the water and sewerage connection shall be restored. The remaining amount will not be demanded for the present and the petitioner is granted two weeks time to approach the Corporation of Chennai to question the increase of fixation of annual value of the building. If the petitioner fails to comply with the second condition by not approaching the Corporation of Chennai after effecting payment of 50% of the impugned demand, then the benefit of this order will not enure to the petitioner and the

respondent CMWSSB is entitled to recover the balance amount as demanded in the impugned order. No costs. Connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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Water Supply and Sewerage Board Chennai-2

+1 cc to Mr.Abdul Rahim Advocate vide sr.21389

+1 cc to Mr.P.V.Selvakumar Advocate sr.21329

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