

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.17696 of 2016 and
WMP.No.15403 of 2016

Bethel Matric. Hr. Sec. School,
Rep. By its Correspondent,
Dr.N.Durai Raj, S/o.Nallamuthu,
No.13, Ayanawaram Road,
Ayanawaram, Chennai - 600 023. .. Petitioner

Versus

- 1.The Chairman and Managing Director,
CMWSSB, Pumping Station Road, Chennai.
- 2.The Area Engineer,
DEPO - 9, Area - 8,
227, 12th Main Road,
2nd Avenue, Anna Nagar,
Chennai - 600 004.
- 3.The Deputy Area Engineer,
DEPO 98 Area - 8, CMWSSB Kilpauk,
Kollys, Chennai - 600 010. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 2nd respondent relating to the passing of the impugned order issued in passed NO.18102, DEPO 98, Area 8 dated 25.04.2016 by the 2nd respondent in respect of the petitioner school viz., Bethel Matric Hr. Sec. School, situate at 13, Ayanawaram Road, Ayanawaram, Chennai - 600 023, and quash the same.

For Petitioner ... Mr.R.Raman Laal
For Respondents ... Mr.M.Jothikumar
CMWSSB

ORDER

Heard Mr.R.Raman Laal, learned counsel for the petitioner and Mr.M.Jothikumar, learned standing counsel for the respondents.

2.The petitioner is a Educational Institution and they are aggrieved by a notice issued by the 3rd respondent threatening to disconnect the water and sewerage connection granted to the Educational Institution on the ground that they have not paid the water and sewerage tax. The petitioner enjoys an exemption from payment of property tax being an Educational Institution. But by that itself would not mean that the petitioner is exempt from water and sewerage tax. However, this appears to be not the case of the petitioner. But the petitioner is aggrieved by the impugned demand stating that it is arbitrary and without opportunity to the petitioner, the enhanced tax unilaterally demanded. Since water and sewerage connection was disconnected, this Court, while entertaining the writ petition, by an interim order dated 12.05.2016, directed reconnection to be given in 24 hours and the petitioner was directed to pay a sum of Rs.35,000/-. This direction has been complied with and the water and sewerage connection has been restored.

3.Considering the fact that the petitioner had no effective opportunity to contest the claim made by the respondent Board, this Court deems it proper to direct the respondent to issue a show cause notice to the petitioner and call for their objection and after considering their objection, pass final orders on assessment on the petitioner. The above exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Taking into consideration that the petitioner is paid Rs.35,000/- pursuant to the interim order granted by this Court, the water and sewerage connection shall not be disconnected and no further increased tax be demanded from the petitioner till final assessment is passed. However, the petitioner shall continue to pay the water and sewerage tax at the pre-revised rate.

4.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.
sgl

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Chairman and Managing Director,
CMWSSB, Pumping Station Road, Chennai.

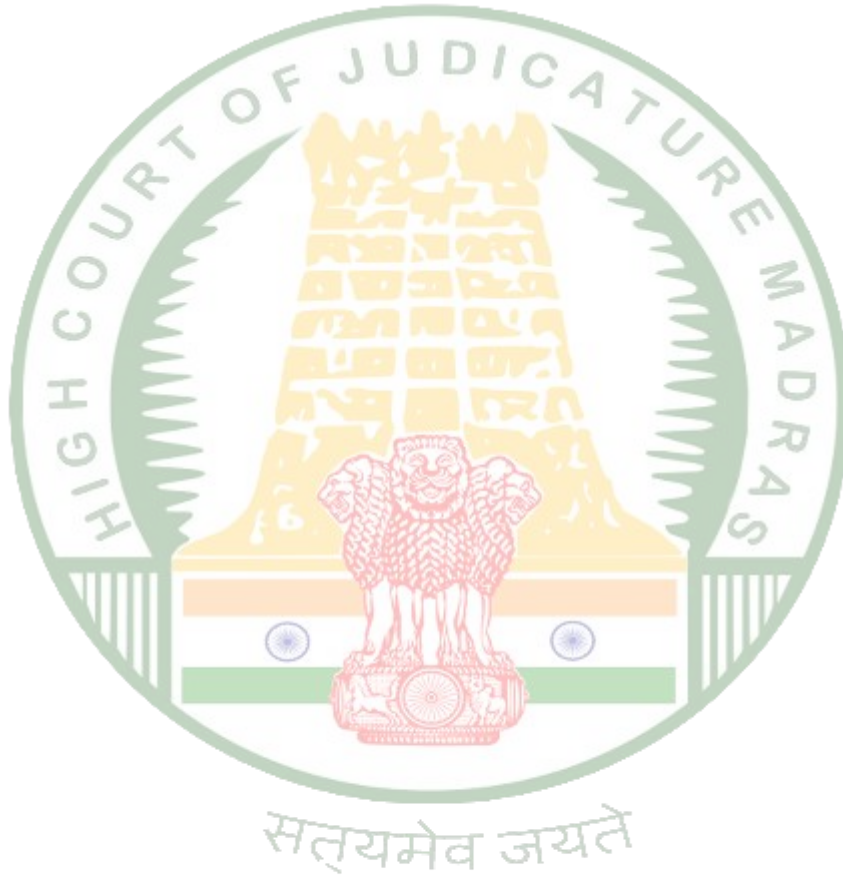
2.The Area Engineer,
DEPO - 9, Area - 8, 227, 12th Main Road,
2nd Avenue, Anna Nagar, Chennai - 600 004.

3.The Deputy Area Engineer,
DEPO 98 Area - 8, CMWSSB Kilpauk,
Kellys, Chennai - 600 010.

+ 1 cc to Mr.R.Ramanlal, Advocate SR 31363

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