

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.06.2016

C O R A M

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

W.P.No.20876 of 2016

and

W.M.P.No.17813 of 2016

Byragi Mutt Sri Venkatesa Perumal Temple,
Rep. by its Manager/Executive Officer,
29, General Muthiah Mudali Street,
Chennai - 600 079.

... Petitioner

Vs

Chennai Metropolitan
Water Supply and Sewerage Board,
Part-5, No.1, M.C. Road,
Royapuram, Chennai 600 021.

... Respondent

Prayer: 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 respondent dated 31.05.2016 in Rs.2,93,257/- (Two lakhs ninety three thousand two hundred and fifty seven rupees only) being arrears of water tax and sewerage tax in relating to the petitioner temple and quash the said water sewerage tax demand notice.

For petitioner ... Mr.S.Sithirai Anandam

For respondent ... Mr.M.Jothikumar

ORDER

Heard Mr.S.Sithirai Anandam, learned counsel for the petitioner and Mr.M.Jothikumar, learned Standing Counsel accepting notice for the respondent. By consent, the writ petition is taken up for final disposal.

2.The petitioner is stated to be a Religious Institution under the control of the Hindu Religious and Charitable Endowments Board. They submitted application before the respondent on 21.03.2011 seeking exemption from levy of water tax and sewerage tax. This representation/ application is pending with the respondent since 2011 onwards. However, the respondent/Board has been assessing the petitioner's water tax and sewerage tax at the rate of Rs.2,93,257/-.

3.The learned counsel for the petitioner would submit that the respondent may be directed to consider their application for exemption after conducting an inspection of the building.

4.The learned Standing Counsel appearing for the respondent would submit that reasonable time may be given to the authorities to inspect the building and proceed in accordance with law.

5.In the light of the above, there will be a direction to the respondent to consider the petitioner's representation dated 21.03.2011 conducting an inspection after issuing a notice to the Executive Officer of the petitioner temple and thereafter to consider their request for exemption from water tax and sewerage tax, which shall be considered in accordance with law. The above exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

sgl

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

Chennai Metropolitan
Water Supply and Sewerage Board,
Part-5, No.1, M.C. Road,
Royapuram, Chennai 600 021.

+ 1 cc to M/s.S.Sithirai Anandam, Advocate SR 33839

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