

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.17823 of 2009

and

M.P.No.1 of 2009

M/s.Pernampet Muslim Education Society,
Rep., by its Secretary,
C.Abdul Wahab
No.19, E.K.Guru Street,
Periamet, Chennai - 600 003. ... Petitioner

..Vs..

The Chennai Metropolitan Water Supply
and Sewerage Board,
Rep., by its Senior Accounts Officer,
Area III, No.3, Vadivelu Second Cross Street,
Perambur,
Chennai - 600 011. ... Respondent

Prayer:

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the respondent dated 02.01.2009 in Serial No.596/03/047/0281/000000 and quash the same.

For Petitioner : Mr.K.Mahendran
for M/s. Mcgan Law Firm

For Respondents : Mr.M.Jothikumar

ORDER

Heard Mr.K.Mahendran, learned counsel appearing for the petitioner and Mr.M.Jothikumar, learned counsel appearing for the respondents.

2. The petitioner is an educational society and they have challenged a notice of disconnection on the ground that the petitioner has not paid the enhanced water and sewerage tax. It is seen that prior to the notice of disconnection only an intimation slip has been given to the petitioner.

3. The learned counsel for the respondent Board submits that the intimation slip is in effect an assessment and the petitioner if aggrieved should have submitted an objection or paid the tax, without doing either of the one, having defaulted in payment, the respondent was justified in issuing the impugned disconnection notice. The impugned disconnection notice has remained stayed in 2009 and no counter affidavit has been filed by the respondent Board.

4. In the light of the same, the Writ Petition is disposed of by directing the petitioner to submit their objection to the intimation slip dated 02.01.2009, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the objection, the respondent shall consider the same and pass appropriate orders in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

pbn
To

1.The Senior Accounts Officer,
Chennai Metropolitan Water Supply
and Sewerage Board,
Area III, No.3, Vadivelu Second Cross Street,
Perambur,
Chennai - 600 011.

1 cc to M/s. Mcgan Law Firm, Advocate SR.43918

PA(CO)
EU 30.08.16

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