

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.30548 of 2016
and
WMP.Nos.26487 & 26488 of 2016

Dr.Guruswami Mudaliar T.T.V
Higher Secondary School
Rep. by its Secretary and Correspondent
Ram Viswanathan, S/o.G.Viswanathan
No.108/255, Amman Koil Street,
Sowcarpet, Chennai-600079 ... Petitioner
Vs.

1. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai-600002.
2. The Senior Accounts Officer,
New Area 05-Office,
No.1, M.C.Road, Chennai-600021. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus, to call for records relating to the 2nd respondent vide its Assessment No.N/05/054/15-16/4861 dated 03.08.2015 and quash the same and further direct the 2nd respondent to collect regular exempted fee of Rs.2,782/- from the petitioner continuously.

For Petitioner : Mr.R.Karunakaran
For Respondents : Mr.M.Jothi Kumar

O R D E R

The petitioner is an Educational Institution and it has got Water and Sewerage connection and the bi-annual charges payable by the petitioner is Rs.2,782/- plus surcharge. However, by virtue of impugned order, the respondent increased the charges to Rs.41,744/- as bi-annual charges and demanded a sum of Rs.2,08,720/- towards charges from the year 2013 retrospectively. Aggrieved over the enhancement of Water and

Sewerage Board Charges from Rs.2,782/- to Rs.41,744/- as half-yearly charges, the petitioner has come before this court.

2. Heard Mr.R.Karunagaran, learned counsel appearing for the petitioner and Mr.M.Jothi Kumar, learned Standing Counsel who takes notice on behalf of the respondents.

3. Since an alternative remedy is available by way of appeal before the Metro Water Tax Tribunal, the petitioner has to be directed to approach the Tribunal. Therefore, the petitioner is directed to approach the Tribunal, within a period of two weeks from the date of receipt of a copy of this order, for appropriate remedy and if such an appeal is filed, the Tribunal shall consider the same and pass orders, on merits and in accordance with law, within a period of four weeks thereafter.

4. It is made clear that until the petitioner approaches the Tribunal and gets an interim order, the Water and Sewerage connections of the petitioner shall not be disconnected. Further, the petitioner is directed to pay the existing charges till then.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

2. The Senior Accounts Officer,
New Area 05-Office,
No.1, M.C.Road, Chennai - 600 021.

+1cc to Mr.R.Karunagaran, Advocate, S.R.No.49872

W.P.No.30548 of 2016

KK(CO)
CA(21/09/2016)