

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2016

Coram

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

Writ Petition No.6246 of 2016
and
W.M.P.Nos.5575 and 5576 of 2016

KCS Nadar Memorial Education,
Improvement Committee,
rep. by its Manager V.Ramkumar
Son of P.Vasudevan
Registered Office at No.116/117,
Sanjivirayan Koil Street,
Chennai - 600 021.

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Rural Development and Local Administration,
Secretariat, St.George Fort,
Chennai - 600 009.
2. Chennai Metro Water Supply and Sewerage Board,
rep. by its Managing Director,
No.1, Pumping Station Road,
Chintadripet, Chennai - 2.
3. The Commissioner of Corporation,
Corporation of Chennai,
Ribbon Building, Chennai - 3.
4. The Assistant Revenue Officer,
Corporation of Chennai,
Zone -4, Division - 43,
T.H.Road, Chennai - 21.
5. The Senior Accounts Officer,
Chennai Metro Water Supply and Sewerage Board,
New Area 04 Office,
Ramanujar Street,
Chennai - 21.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records, pertaining to the demand notice, dated 21.04.2015, issued by the fifth respondent, and to quash the same, as non est in law.

For Petitioner : M/s.S.Pushapakaran

For Respondent -1 : Mr.R.Rajeswaran
Special Government Pleader

For Respondents 2 and 5 : Mr.Janaki Raman

For Respondents 3 and 4 : Mr.P.V.Selvakumar
Standing Counsel

O R D E R

The challenge in this Writ Petition is to the demand notice issued by the fifth respondent/Chennai Metro Water Supply and Sewerage Board (CMWSSB), dated 21.04.2015, whereby, the petitioner has been directed to pay the increased rate of water and sewerage tax, viz., Rs.66,036/-.

2. The petitioner is an Educational Institution, and they are aggrieved by the impugned proceedings, by which, water and sewerage tax has been increased to Rs.66,036/- per half year, as against the original amount, which was paid by the petitioner at the rate of Rs.1,548/-. The petitioner, being an Educational Institution, fearing disconnection of water and sewerage connection, has already remitted 50% of the impugned demand. Therefore, the learned counsel appearing for the petitioner submits that the School building has been exempted from property tax, by proceedings of the Assistant Revenue Officer, Zone -1, Corporation of Chennai, dated 07.03.2001. Further, it is submitted that the increase is abnormal, without any basis, and without affording an opportunity to the petitioner.

3. The learned Standing Counsel for the respondent/CMWSSB rightly contended that exemption from property tax will not entitle the petitioner for exempting from water and sewerage charges, or water charges. It is further contended that, if the petitioner is aggrieved by the impugned proceedings, he can very well approach the Metrowater Appellate Tribunal.

4. Thus, taking into consideration the fact that the petitioner has already remitted 50% of the impugned demand, liberty is granted to the petitioner to approach the Metrowater Tribunal, and secure appropriate orders, for which purpose, the petitioner is granted six weeks' time, from the date of receipt of a copy of this order. Till the matter is decided by the

aforementioned Tribunal, water and sewerage connection given to the petitioner-Institution shall not be disconnected.

5. With the above direction and observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government,
State of Tamilnadu
Rural Development and Local Administration,
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1 cc to Mr.S. Pushpakaran, Advocate, Sr. 11947

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