

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2016

CORAM

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

Writ Petition Nos.9781 and 10277 of 2016
&
W.M.P.No.8769 and 9107 of 2016

1. Mrs.Gayathri Ramachandran ..Petitioner in
W.P.No.9781 of 2016
1. Maya Mohan
2. R.Vidya Ranganayaki
3. M.R.Vinod Narayan
4. Nirmala Narayanan
..Petitioners 1 to 4 in
W.P.No.10277 of 2016
- Vs.
1. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station,
Chindatripet,
Chennia - 600 002.
2. The Assistant Engineer,
Chennai Metropolitan Water Supply and
Sewerage Board,
Area 13, Division,
No.42, 1st Main Road,
Indira Nagar,
Adyar, Chennai - 600 020.

...Respondents 1 and 2 in both W.Ps.

Prayer in W.P.No.9781 of 2016:

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ a of Mandamus directing the respondents, restraining them from disconnecting the Metro Water and Sewerage Connections with regard to the petitioner's property at Old No.7, New No.254/2, Sarathy Nagar Main Road, Velacherry, Chennai - 600 042, without proper assessment and proper notice by considering the petitioner's representation, dated 04.03.2016.

Prayer in W.P.No.10277 of 2016:-

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus to direct the respondents and restraining them from disconnecting the Metro Water and Sewerage Connections with regard to the petitioners' property at Old No.5, New No.254/1, Sarathy Nagar Main Road, Velacherry, Chennai - 600 042, without proper assessment and proper notice by considering the petitioner's representation, dated 04.03.2016.

For Petitioners : Mr.V.R.Appaswamee

For Respondents : Mr.G.Janaki Raman

COMMON O R D E R

The petitioners, apprehending that the Water and Sewerage Connections could be disconnected, have rushed to this Court and filed these Writ Petitions.

2. Heard the learned counsel appearing for petitioners.

3. The learned counsel appearing for respondent/Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) on instructions, submitted that, as per the revised additional value of the building, water and sewerage tax is also revised, and this revision is retrospective, and therefore, the increased amount of tax has to be remitted by petitioners.

4. It is not in dispute that the petitioners have challenged the demand notice issued by the Corporation of Chennai pursuant to increase in annual value of the building in Writ Petitions, being W.P.Nos.38495 and 38850 of 2015 respectively. Those Writ Petitions are pending, and the Corporation of Chennai has taken time to file counter affidavit, and the counter affidavit is yet to be filed. Therefore, in the interregnum, water and sewerage tax should not be demanded based on the enhanced annual value and the connections given to the petitioners premises should not be disconnected for non payment of such enhanced tax. However, the petitioners should continue to pay the water and sewerage charges, as per the pre-revised rate, without default. The respondent/CMWSSB is directed to await decision to be taken in W.P.Nos.38495 and 38850 of 2015, and thereafter, shall proceed in accordance with law.

5. In the result, the Writ Petitions are disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station,
Chindatripet,
Chennia - 600 002.
2. The Assistant Engineer,
Chennai Metropolitan Water Supply and
Sewerage Board,
Area 13, Division,
No.42, 1st Main Road,
Indira Nagar,
Adyar, Chennai - 600 020.

+4ccs to Mr.V. R. Appaswamy, Advocate, S.R.No.20841, 20842

AK(CO)
EU(11/04/2016)

Writ Petition Nos.9781 and 10277 of 2016

WEB COPY