

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18395 of 2007

G.Varatharajulu Chetty

... Petitioner

vs.

1. The Tahsildar,
Chennai Metro Water Supply and
Sewerage Board, Division II,
No.1, M.C.Road, Anna Park,
Royapuram, Chennai 600 001.

2. The Commissioner,
Thiruvottiyur Municipality,
Thiruvottiyur High Road,
Chennai 600 019.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records relating to the impugned notice, dated 02.04.2007 in Na.Ka.No.2747/2006/A1 of the 2nd respondent and quash the same.

For Petitioner : Mr.Rajiv Gandhi
for Mrs.AL.Gandhimathi

For 1st Respondent : Mr.S.Diwakar,
Special Government Pleader

For 2nd Respondent : Mr.T.C.Gopalakrishnan

सत्यमेव जयते

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the impugned notice, dated 02.04.2007 passed by the 2nd respondent Municipality.

2. According to the petitioner, he is a tenant in respect of the property bearing Old No.142, present Door No.110, Anna Pillai Street, which belongs to Kanagammal Choultry. The said property comes under the management of the District Board, Chengalpattu and thereafter under the control of the 2nd respondent.

3. On 14.08.2000, the 1st respondent issued a notice addressed to the District Board, Chengalpattu and delivered the same to the petitioner, demanding a total sum of Rs.50,454.40 towards arrears of water tax, to which, the petitioner sent a reply to the 1st respondent on 22.08.2001. The 1st respondent addressed a final notice to the District Board, Chengalpattu demanding a total sum of Rs.55,447.80 as arrears from the petitioner upto the second half of the year 2000-2001, threatening that if the amount is not paid before 31.08.2000, the same would be recovered by the proceedings under Section 84 of the Chennai Metropolitan Water Supply and Sewerage Board Act, XXVIII of 1978.

4. Thereafter, a series of notices demanding payment of arrears of water tax, were issued to the petitioner and aggrieved by the same, the petitioner approached this Court by filing a number of Writ Petitions. Challenging the final notice dated 02.04.2007 calling upon him to vacate the premises in question and hand over possession to the 2nd respondent, on the grounds that he had sublet the premises to some third party and that his license period comes to an end on 31.03.2007, the petitioner is before this Court by way of the present Writ Petition.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. It is seen that the lease period is already over. However, this will not preclude the petitioner from continuing in the premises in question, provided, he is willing to pay the revised rent as may be fixed by the 2nd respondent. Hence, the 2nd respondent is directed to give an opportunity to the petitioner to pay the revised rent together with arrears within a stipulated time and if no response is evoked from the petitioner within such time, the petitioner is deemed to have vacated the premises and it is open to the 2nd respondent to enter into the premises and act in accordance with law.

The Writ Petition is disposed of with the above direction and observation. No costs. Consequently, connected M.P.No.1 of 2007 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

(aeb)

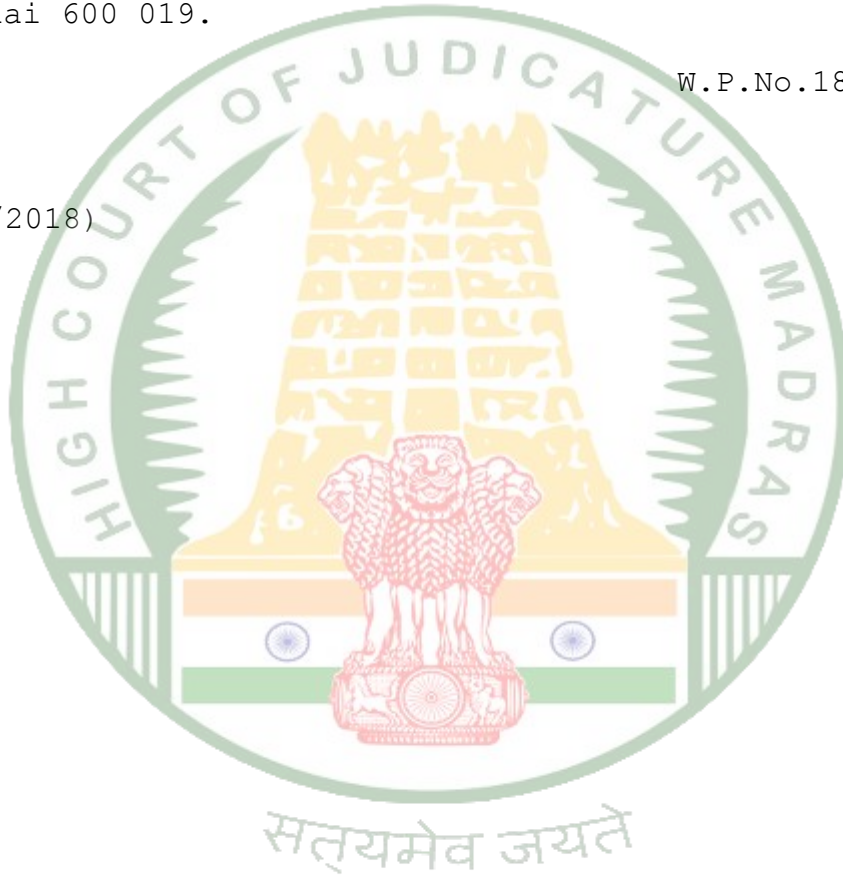
To:

1. The Tahsildar,
Chennai Metro Water Supply and
Sewerage Board, Division II,
No.1, M.C.Road, Anna Park,
Royapuram, Chennai 600 001.
2. The Commissioner,
Thiruvottiyur Municipality,
Thiruvottiyur High Road,
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SSD (CO)

RRK (02/01/2018)



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