



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No. 22141 of 2016

and

W.M.P (MD) Nos. 15853 & 15854 of 2016

WEB COPY

The Tuticorin Spinning Mills Ltd.,
No.106, Palayamkottai Road,
Tuticorin,
Rep. By its Managing Director,
G.Vettivel.

... Petitioner

Vs.

The Commissioner,
Tuticorin Municipal Corporation,
Tuticorin.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the respondent herein in Na.Ka.No.1471/2016/Me.Ma.A2, dated 31.10.2016 and quash the same and consequentially direct the respondent herein to disconnect 7 Non Domestic Service Connections to the petitioner mill as per letter dated 02.09.2016 with immediate effect and further direct the respondent to accept water charges at the rate of Rs.155/- per quarter for 7 water service connections for the 3rd quarter of 2016 (up to September, 2016) as full and final settlement.

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.S.Saji Bino

O R D E R

This writ petition has been filed seeking a writ of Certiorarified Mandamus, to quash the impugned order passed by the respondent in Na.Ka.No.1471/2016/Me.Ma.A2, dated 31.10.2016 and to direct the respondent to disconnect seven Non-Domestic Service Connections to the petitioner mill, based on the letter of the petitioner dated 02.09.2016, with immediate effect and to further direct the respondent to accept water charges at the rate of Rs.155/- (Rupees one hundred and fifty five only) per quarter for seven water service connections for the third quarter of 2016 (up



to September, 2016) as full and final settlement.

2. The case of the petitioner, in nutshell, is as follows:

2.1. The petitioner mill was engaged in the business of manufacturing Yarns, Sewing Threads and Exporting Yarns. Due to continuous bad market conditions, they decided to shut down their mill permanently. Therefore, on 08.06.2016, they submitted a letter to TNEB requesting to disconnect the power supply permanently and on 02.09.2016, they submitted a letter to the respondent herein seeking to disconnect seven water connections permanently, retaining two non-domestic connections. Thereafter, TNEB, on 16.06.2016, disconnected the High Tension Service Connection, HT SC-34, provided to the petitioner mill, after having a confirmation from the petitioner mill. But, the respondent herein directed the petitioner to clear all the arrears till June, 2016, so as to disconnect the water connection. Subsequently, the petitioner mill paid the water connection charges for the first and second quarters, i.e., for January to March and for April to June, on 22.09.2016. As the petitioner mill submitted the requisition letter to the respondent on 02.09.2016 only, they have to pay for the third quarter also, i.e., for July to September.

2.2. According to the petitioner, as the HT SC -34 was disconnected on 16.06.2016, they have to pay the minimum water charges for the third quarter, i.e., a sum of Rs.155/- (Rupees one hundred and fifty five only), which is the minimum water charges. However, the respondent passed the impugned order dated 31.10.2016, directing the petitioner mill to pay a sum of Rs.1,51,335/- as water charges till September, 2016. Aggrieved by which, the petitioner is before this Court, with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

4. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is inclined to go before the competent Appellate Authority to challenge the impugned order, for which, he prays this Court, to direct the respondent to furnish the calculation memo, as to how they arrived the amount due, which is shown in the impugned order.

5. Considering the facts and circumstances of the case and the relief sought for by the petitioner, this Court, without going into the merits of the petitioner's claim, directs the respondent to give a copy of the calculation memo to the petitioner, within a period of two weeks and on receipt of the same, it is open to the petitioner to go before the competent Appellate Authority.

6. With the above direction, this Writ Petition is disposed



of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

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Sub Assistant Registrar

To
The Commissioner,
Tuticorin Municipal Corporation,
Tuticorin.

+1cc to Mr.R.Vijayakumar,Advocate,SR.68646

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GK
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