

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1456 of 2018
and W.M.P.Nos.1861 & 1862 of 2018

Brijbhushan, S/o.Manoharlal

... Petitioner

Vs.

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

2.The Senior Accounts Officer,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, M.C.Road, Chennai-600 021.

3.The Special Tahsildar (Revenue Recovery),
CMWSSB, Area V,
No.1, M.C.Road, Chennai-600 021.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records of the second respondent in respect of Demand Notice No.05/050/01574/000 dated 05.07.2017 and consequential recovery notice dated 07.01.2018 issued by the third respondent and quash the demand notice dated 05.07.2017 issued by the second respondent and consequential recovery notice dated 07.01.2018 issued by the third respondent.

For Petitioner : Mrs.Hema Muralikrishnan

For Respondents: Mr.M.Jothikumar,
Standing Counsel

O R D E R

Heard Mrs.Hema Muralikrishnan, learned counsel for the petitioner and Mr.M.Jothikumar, learned Standing Counsel for the respondent Board. With consent on either side, this writ petition is taken up for final disposal.

2. The petitioner is aggrieved by a demand notice issued by the respondent Board demanding water charges and taxes. On receipt of the impugned demand, the petitioner through their counsel sent a reply on 21.09.2011, pointing out that there is no water or sewerage connection in the property in question. Even assuming that there is no water or sewerage connection, that will not absolve the petitioner from the liability to pay water and sewerage taxes, but probably may be entitled for exemption from paying water charges.

3. Learned counsel for the petitioner has referred to the checkslip signed by the Officer on 17.02.2011, to show that there is no water and sewerage connection. In any event, the petitioner has given a reply to the impugned demand, which has been received by the first respondent on 26.09.2017, as could be seen from the postal acknowledgment copy.

4. In the light of the stand taken by the petitioner stating that there is no water and sewerage connection to the premises, and the premises is a small asbestos sheet shed and used by the petitioner as a godown for storing material, the respondents are directed to take note of the objections given by the petitioner, afford an opportunity of personal hearing to the authorized representative of the petitioner and take a fresh decision on merits and in accordance with law. Till then, no coercive action shall be initiated against the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

abr

To

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

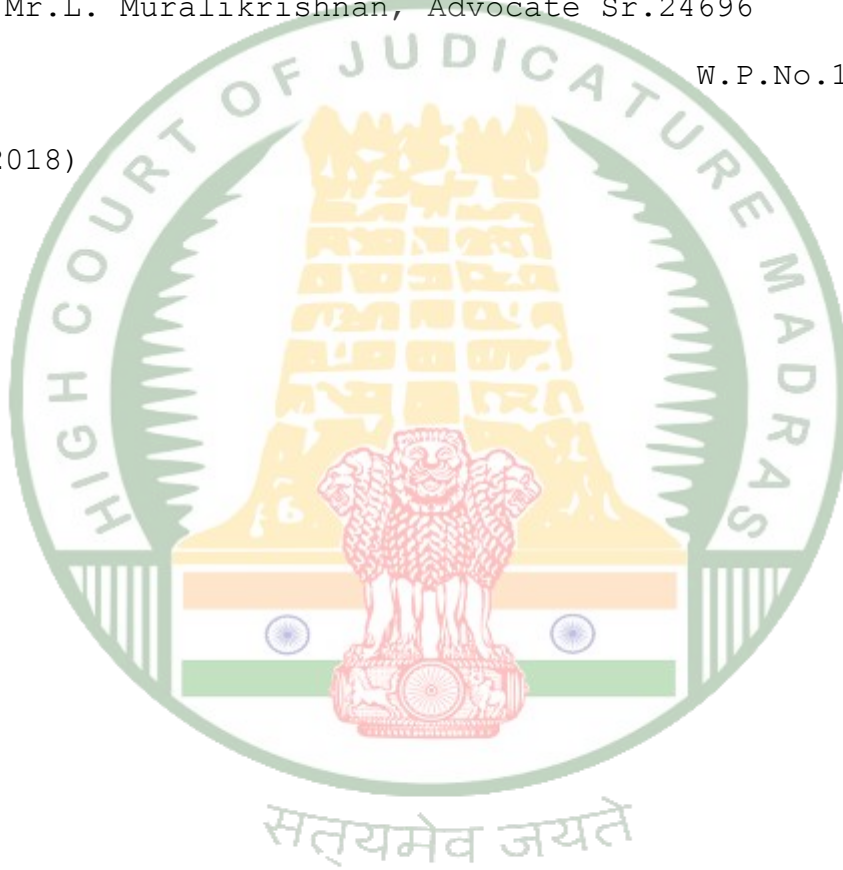
2.The Senior Accounts Officer,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, M.C.Road, Chennai-600 021.

3.The Special Tahsildar (Revenue Recovery),
CMWSSB, Area V,
No.1, M.C.Road, Chennai-600 021.

+ 1 cc to Mr.L. Muralikrishnan, Advocate Sr.24696

W.P.No.1456 of 2018

PVS (CO)
EU(18/04/2018)



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