

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.17318 of 2018

and

W.M.P.Nos.20581 & 20582 of 2018

Mrs.M.Jayamary

... Petitioner

vs.

1.The Chairman and Managing Director,
Chennai Metro Water & Sewerage
Service Board,
Chintadripet, Chennai-600 002

2.The Assistant Engineer,
Division V, C.M.W & S.S.B.,
Anna Nagar, Chennai-600 040

3.The Tahsildar/Deputy Collector,
Division V, C.M.W & S.S.B.,
No.227, near 12th Main Road,
II Avenue, Anna Nagar,
Chennai-600 040

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the third respondent vide letter dated 4.7.2018 and quash the same and consequently direct the respondents to drop all further revenue recovery proceedings against the petitioner herein.

For Petitioner : Mr.V.K.Rajagopalan

For Respondents :Mr.N.Ramesh

ORDER

Heard Mr.V.K.Rajagopalan, learned counsel for the petitioner and Mr.N.Ramesh, learned Standing Counsel, who accepts notice on behalf of the respondents and with the consent of either parties, the writ petition itself is taken up for final disposal.

2.The petitioner states that she is the daughter of one K.B.Meikandanathan, who was the owner of the property bearing Old No.40, New No.16, Mandapam Road, Kilpauk, Chennai. The said Meikandanathan had passed away on 21.07.2016 and the petitioner states that she, as a daughter, was served with the impugned demand notice, in the name of the deceased person and she was not given any opportunity to put forth her objection and therefore, the petitioner would pray that the impugned notice should be quashed.

3.The learned Standing Counsel appearing for the respondents has brought to the notice of this Court about the previous litigations, which were initiated by the petitioner's father, before this Court and the fate of those litigations.

4.Admittedly, the petitioner has not disclosed about the earlier round of litigations filed by her father, viz., W.P.No.11266 of 2005, which was dismissed on 6.4.2011 for 'non prosecution' and W.P.No.17629 of 2011, in which an interim order was granted subject to the condition that the petitioner therein pays 50% of the demand and upon failure, the interim order stood automatically vacated. The petitioner has not disclosed about those two writ petitions in the present writ petition. Furthermore, the petitioner is fully aware about the order passed in W.P.No.17629 of 2011, which is evident from the representation given by the petitioner to the respondents, on 02.07.2018. Thus, the petitioner is guilty of suppressing material facts before this Court and thus, not entitled for any relief.

5.According to the respondents, as on date, the total arrears payable towards water tax and charges is Rs.207499.50 and the building is partly residential and partly commercial. Since the petitioner has not disclosed about the earlier litigations in the matter and the orders passed thereon, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. It is open to the petitioner to approach the respondents and settle the entire dues. No costs. Connected miscellaneous petitions are dismissed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chairman and Managing Director,
Chennai Metro Water & Sewerage
Service Board,
Chintadripet, Chennai-600 002

2.The Assistant Engineer,
Division V, C.M.W & S.S.B,
Anna Nagar, Chennai-600 040

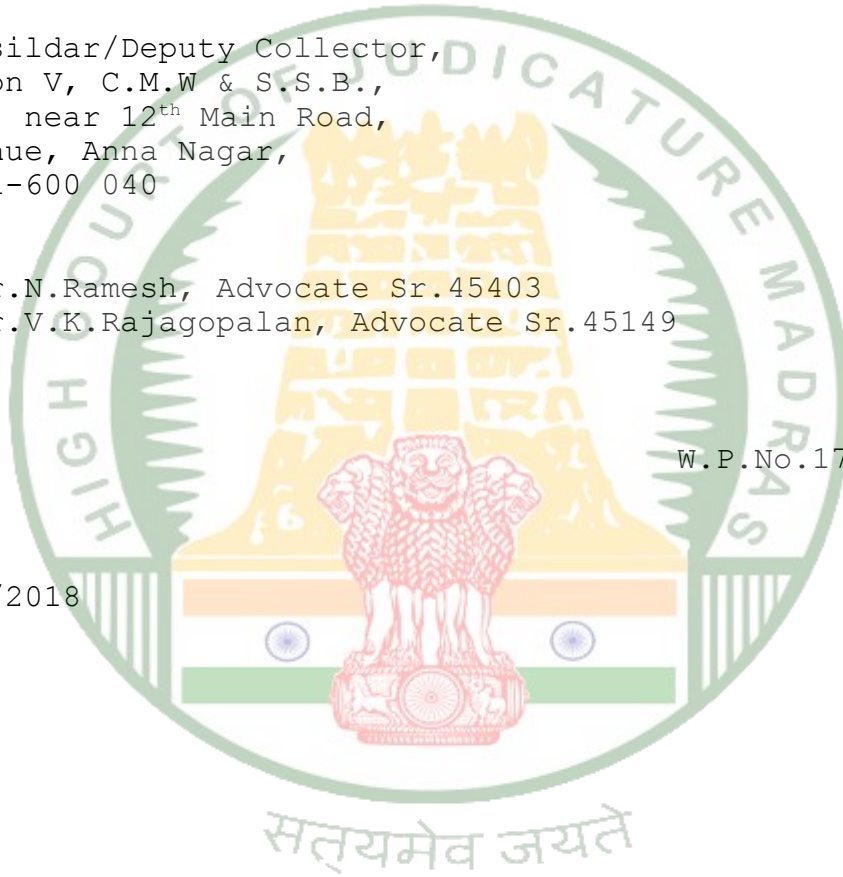
3.The Tahsildar/Deputy Collector,
Division V, C.M.W & S.S.B.,
No.227, near 12th Main Road,
II Avenue, Anna Nagar,
Chennai-600 040

+1cc to Mr.N.Ramesh, Advocate Sr.45403

+1cc to Mr.V.K.Rajagopalan, Advocate Sr.45149

W.P.No.17318 of 2018

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srg 20/07/2018



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