

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16066 of 2011

And

M.P.Nos.1 and 2 of 2011

Trailer Owner's Association,
rep. by its Secretary,
Mr.S.R.Raja

... Petitioner

Vs.

1. The Chairman and Managing Director,
Chennai Metro Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chindadripet,
Chennai 600 002.
2. The Regional Accounts Officer,
Chennai Metro Water Supply and Sewerage Board,
Regional Office, Puzhal,
Chennai 600 66.
3. The Finance Control Officer (Revenue),
Tamil Nadu Metro Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chindadripet,
Chennai 600 002.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records to quash the impugned order No.Se.Ku.Va./Ma/Aa.2 / Aa3/1970/10 dated 28.07.2010 issued by the 3rd respondent and consequently direct the respondents to immediately rectify the wrong meter reading or in the alternative to replace the same with a new meter and thereby direct the respondents to accept the average water charges at the rate of Rs.3,500/- when tendered by the petitioner.

For Petitioners : Mr.R.Tholkappian

For Respondents : Mr.M.Jothikumar
Standing Counsel

O R D E R

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records and to quash the impugned order No.Se.Ku.Va./Ma/Aa.2/Aa3/1970/10 dated 28.07.2010 issued by the third respondent and to consequently direct the respondents to immediately rectify the wrong meter reading or in the alternative to replace the same with a new meter and thereby direct the respondents to accept the average water charges at the rate of Rs.3,500/- when tendered by the petitioner.

2.In the affidavit filed in support of this writ petition, the petitioner aver that the petitioner Association is running an Indian Oil Corporation Petrol Bunk at No.C-2/A-3, Sathangadu Steel Market Complex, Ennore Express Road, Sathangadu, Chennai - 600 068, from the month of June, 2009. The said Petrol Bunk is provided with the water supply connection extended by the respondents. The utility charges for the water supply has been paid by the petitioner Association every month without any default as per the meter reading fitted with the water connection, in the Petrol Bunk.

3.The petitioner further aver that the utility charges for the year consumed during the month of June, 2009, were calculated and demanded at Rs.3,045/-, which was duly paid. The utility charges of Rs.2,765/- for 79 kilo litres of water consumed for the month of July, 2009 was also paid. For the month of August, 2009, water charges to the tune of Rs.3,360/- was paid for 96 litres of water consumed. Similarly, during the month of September, 2009, a sum of Rs.3,360/- was paid for 99 kilo litres of water consumed by the Petrol Bunk. Whiles, vide Bill dated 26.10.2009, the respondents demanded to pay a sum of Rs.65,700/- which is 20 times higher than the average charges paid during the previous months.

4.The petitioner further aver that immediately thereafter, the petitioner Association vide letter dated 10.11.2009 requested the respondents to rectify the wrong meter reading and permit them to pay the average charges paid in the previous months taking into consideration the average quantity of water consumed per month. However, the respondents without servicing the meter or replacing the defective meter, vide Bill dated 27.03.2010, demanded the petitioner Association to pay the arrears of Rs.1,41,599/- towards the water charges. Thereafter, the petitioner Association requested the respondents to take action on the petitioner's earlier letter. However, the respondents without considering the petitioner's letters, vide Bill dated 07.06.2010 demanded the petitioner Association to pay a sum of Rs.64,500/- towards the water charges for the month of

May, 2010 along with the arrears of Rs.1,41,695/-.

5.The petitioner further aver that there was no action on the part of the respondents either to correct the wrong meter reading or to replace with a new meter. However, the respondents passed the impugned order dated 28.07.2010 demanding a sum of Rs.65,700/- towards charges for 1095 Kilo litres of water consumed by the petitioner Petrol Bunk. Aggrieved by the same, the petitioner has filed this writ petition.

6.The learned counsel appearing for the petitioner would submit that already the petitioner collected the entire case papers and no one came forward to give instructions for conducting the case.

7.The learned counsel appearing for the respondents would submit that this Court vide order dated 06.07.2011 made in M.P.No.1 of 2011 in W.P.No.16066 of 2011, granted an order of interim stay on condition that the petitioner shall pay 50% of Rs.2,08,960/-, being the demanded amount alone, within a period of six weeks from the date of receipt of a copy of that order. However, till date the said amount was not paid by the petitioner.

8.Considering the facts and circumstances of the case and considering the fact that the interim order has not been complied with, this Court is of the opinion that the writ petition does not deserve to be heard. The writ petition is dismissed for non compliance of the interim order.

9.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pri

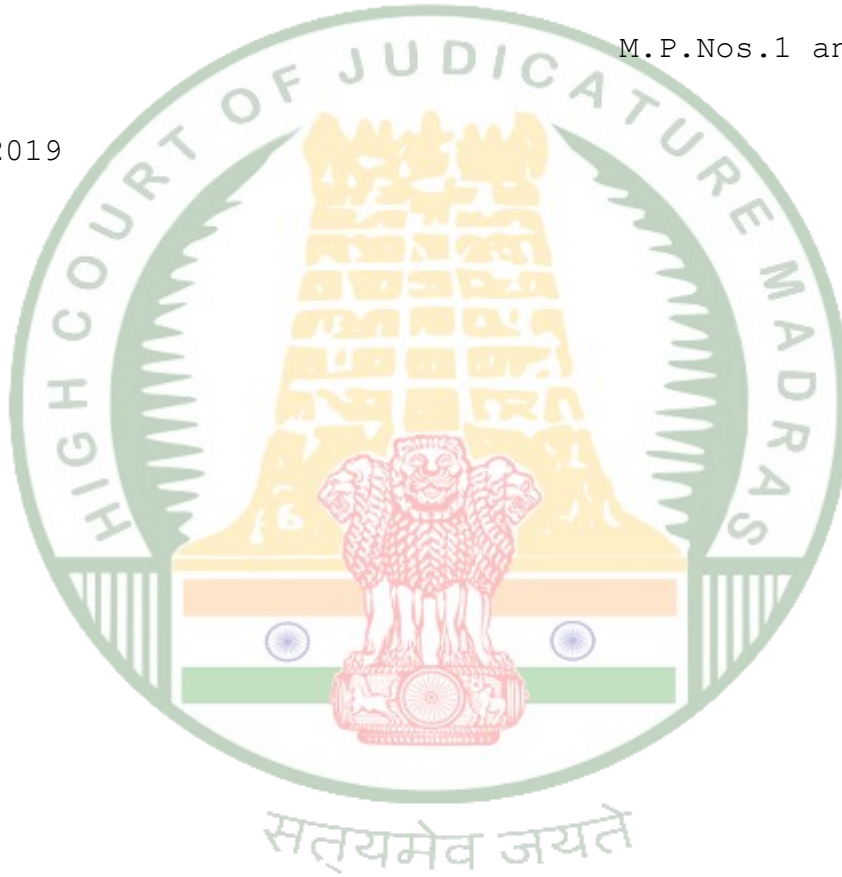
To

1. The Chairman and Managing Director,
Chennai Metro Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chindadripet,
Chennai 600 002.

2. The Regional Accounts Officer,
Chennai Metro Water Supply and Sewerage Board,
Regional Office, Puzhal,
Chennai 600 66.
3. The Finance Control Officer (Revenue),
Tamil Nadu Metro Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chindadripet,
Chennai 600 002.

W.P.No.16066 of 2011
And
M.P.Nos.1 and 2 of 2011

VGI (CO)
CS/25/09/2019



WEB COPY