

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.11377, 12042 to 12046 of 2008, 9708 of 2009
and M.P.Nos.1 to 1 of 2008 and M.P.No.1 of 2009

D.Ramamoorthy ..Petitioner in W.P.No.11377 of 2008 &
W.P.No.12042 to 12046 of 2009

Vs

1.The Senior Accounts Officer,
Area No.5, Division no.78,
Chennai Metropolitan Water Supply
and Sewerage Board,
227, II Avenue, Near 12th main Road,
Chennai - 600 040

2. The Depot Manager,
Area No.5, Division No.78,
Chennai Metropolitan Water Supply
and Sewerage Board,
227, II Avenue, near 12th Main Road,
Chennai - 600 040

.. Respondents in W.P.No.11377 of 2008
and W.P.No.12042 to 12046 of 2009

K. BALASIKAMANI

... PETITIONER IN W.P.NO.9708 OF 2009

Vs

THE ASST. ENGINEER
CHENNAI METROPOLITAN WATER SUPPLY AND
SEWERAGE BOARD ZONE 10 NO.42 FIRST
MAIN ROAD INDIRA NAGAR
CHENNAI 20.

.... RESPONDENT IN W.P.NO.9708 OF 2009

Writ Petitions filed under Article 226 of the Constitution
of India praying to issue a writ of Certiorarified Mandamus

WP No.11377 of 2008:

to call for the records relating to the water and sewerage tax
Notice No. 32192 and Depot No. 078/1803/08 dated 21.02.2008

passed by the 2nd respondent with respect to the flat in First Floor situated at Door No. 319/8, Valluvarkottam High Road, Nungambakkam, Chennai - 34.

WP No.12042 of 2008:

to call for the records relating to the water and sewerage tax Notice No. 32195 and Depot No. 078/1803/11 dated 21.02.2008 passed by the 2nd respondent with respect to the flat in First floor situated at Door No. 319/11, Valluvarkottam High Road, Nungambakkam, Chennai - 34.

WP No.12043 of 2008:

To call for the records relating to the water and sewerage tax Notice No.32193 and Depot No.078/1803/09 dated 21.02.2008 passed by the 2nd Respondent with respect to the flat in First Floor situated at Door No.319/9, Valluvarkottam High Road, Nungambakkam, Chennai-34 and quash the same and to direct the Respondents to levy water and sewerage tax according to prevailing market rate for the rent for the period from 2007-08.

WP No.12044 of 2008:

to call for the records relating to the water and sewerage tax Notice No. 32198 and Depot No. 078/1803/14 dated 21.02.2008 passed by the 2nd respondent with respect to the flat in First floor situated at Door No. 319/14, Valluvarkottam High Road, Nungambakkam, Chennai - 34.

WP No.12045 of 2008:

to call for the records relating to the water and sewerage tax Notice No. 32197 and Depot No. 078/1803/13 dated 21.02.2008 passed by the 2nd respondent with respect to the flat in First floor situated at Door No. 319/13, Valluvarkottam High Road, Nungambakkam, Chennai - 34.

WP No.12046 of 2008:

to call for the records relating to the water and sewerage tax Notice No. 32196 and Depot No. 078/1803/12 dated 21.02.2008 passed by the 2nd respondent with respect to the flat in First floor situated at Door No. 319/12, Valluvarkottam High Road, Nungambakkam, Chennai - 34.

WP No.9708 of 2009:

calling for the records of the respondent dt 9.7.08 viz. levying the water and drainage tax in respect of the petitioners

property bearing Old No. 2/6/4/5-6 New No. 126/6/4/5-6 Sardar Patel Road Indira Nagar Chennai 20 and further forbear the respondent from collecting the enhanced tax in respect of above said property.

W.P.No.11377 of 2008

For Petitioner (in All Wps) : Mr.Mohammed Ibrahim Ali

For Respondents(in all Wps) : Mr.M.Jothikumar

C O M M O N O R D E R

These Writ Petitions, (except W.P.No.9708 of 2009) are filed challenging the Water and Sewerage Tax Notices passed by the second respondent. In so far as W.P.No.9708 of 2009 is concerned, the same is filed challenging the Water and Sewerage tax notices passed by the respondent therein.

2. Today, when the Writ Petitions were taken up for hearing, the learned counsel for the petitioners submitted that as regards the very same petitioner, viz., D.Ramamoorthy, this Court in W.P.Nos.9464, 9465, 7010 and 10166 of 2008, by an order dated 14.03.2011 and in W.P.Nos.11777 and 11360 of 2008, by an order dated 17.07.2014, was pleased to dispose of the said writ petitions, giving certain directions, by treating the impugned notice as show cause notice and as such, the instant Writ Petitions [including the petitioner, viz., K.Balasikamani in W.P.No.9708 of 2009,] also may be disposed of on the same lines.

3. This Court has perused the aforesaid order dated 14.03.2011 passed in W.P.Nos.9464, 9465, 7010, 10166 of 2008 and order dated 17.07.2014 in W.P.Nos.11777 and 11360 of 2008 and the operative portion of the said orders reads thus:

'4. In view of the stand taken by the respondents, the petitioner in each one of the cases will be permitted to file a reply to the demand-cum-notice within a period of fifteen days from the date of receipt of a copy of this order and the authority shall give the petitioner an opportunity of hearing and decide the matter on merits and in accordance with law within a period of fifteen days from the date of receipt of the reply. Till such time the issue is finally decided, the demand shall be kept in abeyance. These Writ Petitions are disposed of accordingly.'

In view of the above, the present Writ Petitions also are disposed of on the very same terms. No costs. Connected

Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Senior Accounts Officer,
Area No.5, Division no.78,
Chennai Metropolitan Water Supply
and Sewerage Board,
227, II Avenue, Near 12th main Road,
Chennai - 600 040
2. The Depot Manager,
Area No.5, Division No.78,
Chennai Metropolitan Water Supply
and Sewerage Board,
227, II Avenue, near 12th Main Road,
Chennai - 600 040.
3. The Assistant Engineer,
Chennai Metropolitan Water Supply
& Sewerage Board, Zone 10,
No.42, first main Road,
Indra Nagar, Chennai 600 020.

W.P.Nos.11377 of 2008 etc.,

ev[co]
srg 12/07/2019

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