

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2019

CORAM
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7334 of 2014
and M.P.Nos.1 and 2 of 2014

M/s.South India Paper Distributing Company Pvt.Ltd.
No.10, Sunkurama Chetty Street
Chennai-600 001

rep.by its Director Arun Kumar Agarwal

...Petitioner

Vs

1.Chennai Metropolitan Water supply and Sewerage Board
No.1, Pumping Station Road, Chintadripet,
Chennai-600 002.

rep.by its Chairman and Managing Director

2.Area Engineer-V,
Chennai Metropolitan Water supply and Sewerage Board -Area-V
No.1, M.C.Road, Anna Poonga,
Royapuram, Chennai-600 021.

3.T.M.B.Ameer Ali
rep.by its Power Agent - Anwar Ali

(R3 amended as per order dated
05.02.2015 in M.P.No.3 of 2014 in
W.P.No.7334 of 2014).

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first and second respondents to recover the dues towards water and sewerage tax along with surcharge, if any, in respect of the Petition Schedule Property from the third respondent as per the order dated 24.10.2008 in W.P.M.P.No.1430 of 2004 in W.P.No.25530 of 2004 passed by this Court, without disconnecting the water and sewerage lines to the Petition Schedule Property.

For Petitioner : Mr.K.P.Manavalan

For Respondents : No appearance for R1 and R2
Mr.K.Lavan for R3

O R D E R

According to the learned counsel for the third respondent, the dispute raised by the petitioner in the present writ petition cannot be entertained in the light of the common order passed by this Court in W.P.No.21119 of 2002, etc. batch, dated 24.01.2013 and that the petitioner has to seek his remedy before the appellate forum as per the Notification issued by the Government in G.O.Ms.No.123, Municipal Administration and Water Supply (Metro Water) Department, dated 21.12.2012.

2.In the light of the aforesaid Notification issued by the Government by which the petitioner is having effective appellate remedy by way of filing an appeal, and the facts and circumstances of the case, the writ petition is not maintainable. It is for the petitioner to avail the appellate remedy within a period of four weeks from the date of receipt of a copy of this order. Till such time the appeal is filed by the petitioner, the interim order granted by this Court on 21.03.2014 will stand extended.

3.The writ petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

KM

To

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

2.Area Engineer-V,
Chennai Metropolitan Water supply
and Sewerage Board -Area-V
No.1, M.C.Road, Anna Poonga,
Royapuram, Chennai-600 021.

+1cc to Mr.K.F.Manavalan, Advocate, S.R.No.12512
+1cc to Mr.K.Lavan, Advocate, S.R.No.12927

W.P.No.7334 of 2014
and M.P.Nos.1 and 2 of 2014

rrs 18/02/2019