

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.12495 of 2016
and
W.M.P.No.10811 of 2016

Dr.K.J.Chandera Sekaran

..Petitioner

Vs.

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

2.The Senior Accounts Officer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, T.S.Krishnanagar,
Ambatur, Chennai - 600 037.

..Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned Demand Notice issued by the second respondent in Notice No.07/083/06508/000 dated 07.12.2015 for a sum of Rs.46,416 /- and to quash the same.

For Petitioner : M/s. M.R.V.Tulasi

For Respondents : Mr.N.Ramesh Kumar

O R D E R

The learned counsel for the petitioner would submit that pending the writ petition, the demand towards water and sewerage tax under the impugned order has already been paid and the petitioner also sold the property.

2. However, the learned counsel for the petitioner would submit that the demand cannot be sustained, since there was neither a water connection to their premises nor sewerage connection and that they are entitled for refund. According to the learned counsel for the petitioner, the demand made pursuant to the impugned demand notice dated 07.12.2015 for the period ending 07.12.2015 was under coercion. Such a statement is disputed by the learned Standing Counsel for the respondent.

3. I do not intend go into these disputed facts. However, if the petitioner is of the view that they are entitled for refund of the tax paid, it would always be open to them to approach the respondent through a representation and this Court would not be justified in adjudicating such disputed facts.

4. In the light of the above observations, the petitioner is granted liberty to make an appropriate application before the respondent herein ventilating his grievance and on receipt of the same, the respondent shall consider on its own merits and pass appropriate orders in accordance with law as expeditiously as possible.

5. Accordingly, this writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

Pns

To

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadaripet, Chennai - 600 002.
2. The Senior Accounts Officer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, T.S.Krishnanagar,
Ambatur, Chennai - 600 037.

W.P.No.12495 of 2016

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BP (CO)
GMY (28/10/2020)