

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM :

THE HON'BLE MR. JUSTICE T.S. SIVAGNANAM

W.P.Nos.10006 and 11273 of 2003

Kamlesh V Gandhi ... Petitioner in W.P.No.10006 of 2003

Kusum Sirohia ... Petitioner in W.P.No.11273 of 2003

Vs.

1.The Special Tahsildar,
Area-II,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1, Pumping Station Road, Chintadripet,
Chennai - 2.

2.The Commissioner,
Corporation of Madras,
Chennai. Respondents in both writ petitions

Common Prayer : Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records on the file of the first respondent dated 17.03.2003 and quash the same as illegal.

For Petitioner : Mr.S.Balamurugan
in both writ petitions

For R1 : Mr.Janakiraman
Standing Counsel
in both writ petitions

For R2 : Mr.R.Gopinath
Standing Counsel
in both writ petitions

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C O M M O N O R D E R

Heard Mr.S.Balamurugan, learned counsel appearing for the petitioner in both writ petitions, Mr.Janakiraman, learned Standing Counsel for the 1st respondent, and Mr.R.Gopinath, learned Standing Counsel for the 2nd respondent.

2.The petitioners have filed these writ petitions, challenging the demand issued by the Chennai Metropolitan Water Supply and Sewerage Board ("CMWSSB" for brevity), demanding water and sewerage tax as well as surcharge for belated payment.

3.The petitioners dispute the correctness of the demand by contending that the CMWSSB ought to have given reasonable time to them to verify the past payment by the previous landlord and without granting sufficient time, the impugned order has been passed, which is in violation of principles of natural justice. Further, it is submitted that the petitioners paid the previous dues till 2001. The 1st respondent did not make any demand towards the alleged dues for the period 1993-1994. Further, no notice was served on the petitioners and there is no justification for demanding surcharge.

4.The learned Standing Counsel appearing for CMWSSB submitted that, several other writ petitions, which were filed questioning the demand issued by CMWSSB, were disposed of with a direction to the respective writ petitioners to file a duplicate set of papers and Registry was directed to transfer the matter to the Chennai Metro Water Tribunal.

5.Considering the fact that this matter is of the year 2003 and there is no information as to whether the petitioners have complied with the conditional order of payment of Rs.25,000/-, this Court is of the view that, no useful purpose would be served in keeping these writ petitions pending before this Court. Accordingly, these writ petitions are disposed of by directing the petitioners in both writ petitions to file an appeal before the Chennai Metro Water Tribunal, within a period of sixty days from the date of receipt of a copy of this order and till then, no coercive action shall be initiated against the petitioners. However, if the petitioners do not file an appeal within the time prescribed, it is open to the CMWSSB to enforce the impugned demand. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

mkkn

To

1.The Special Tahsildar,
Area-II,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1, Pumping Station Road, Chintadripet,
Chennai - 2.

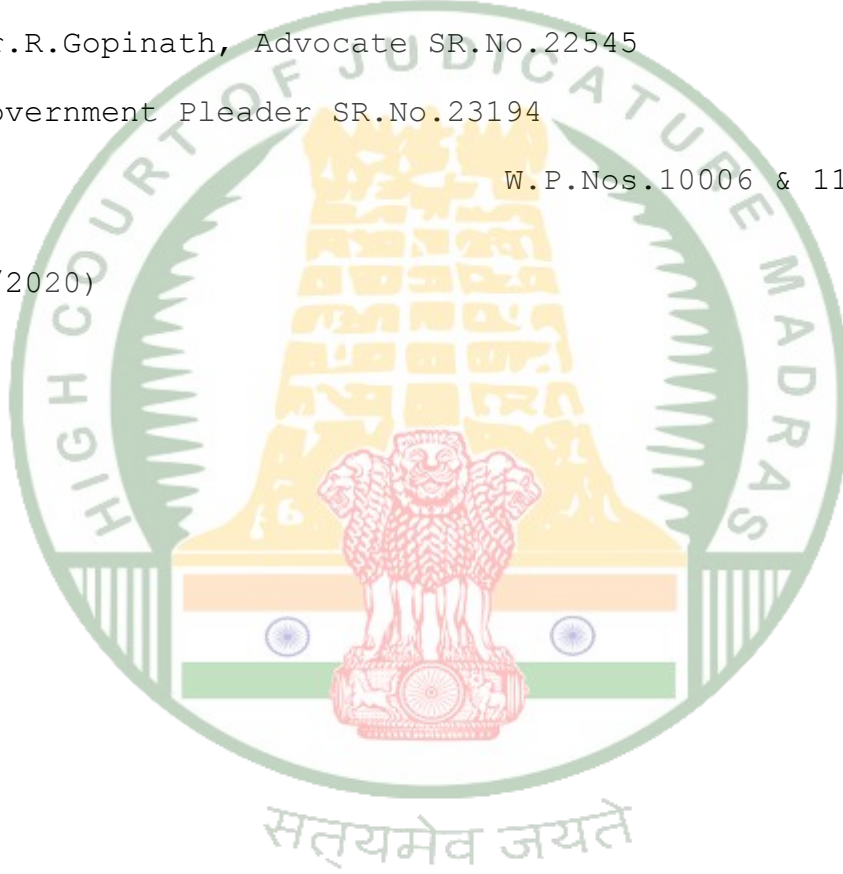
2.The Commissioner,
Corporation of Madras,
Chennai.

+1cc to Mr.R.Gopinath, Advocate SR.No.22545

+1cc to Government Pleader SR.No.23194

W.P.Nos.10006 & 11273 of 2003

PM(CO)
GMY(10/06/2020)



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