

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

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

W.P.No.28889 of 2008
and M.P.Nos.1 and 2 of 2012

Firdhousia Ahmed

...Petitioner

Vs.

1.Chennai Metro Water Supply & Sewarage Board,
Represented by its Managing Director,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.

2.Area Engineer,
Chennai Metro Water,
Zone V, Depot 71,
No.227, New 12th Main Road,
2nd Avenue, Chennai - 600 040.

3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
E.V.R. Periyar Salai, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari, to
call for the records of the 2nd respondent passed under demand
notice dated 08.07.2008 in respect of the property bearing
No.114/18, Periyar E.V.R. High Road, Flowers Road,
Chennai-84 and quash the same.

For Petitioner : Mr.Aasim Shehzad

For Respondents

R1 & R2 : Mr.Janakiraman
Standing Counsel

R3 : M/s.Karthikaa Ashok
Standing Counsel

O R D E R

Heard Mr.Aasim Shehzad, learned counsel appearing for the
petitioner, Mr.Janakiraman, learned Standing Counsel appearing
for the respondents 1 and 2 and M/s.Karthikaa Ashok, learned

Standing Counsel appearing for the 3rd respondent.

2.The petitioner has filed this writ petition challenging the notice issued by the second respondent, the Area Engineer, CMWSSB, Zone-V, Depot 71, Chennai - 40. The first ground on which the impugned proceedings are challenged is by contending that the demand has been made based upon the retrospective revision of property tax by the respondent Corporation. According to the petitioner, the enhancement of property tax has been challenged by the petitioner and the matter is pending adjudication. Since 7% of the property tax is collected as water tax and unless and until the property tax assessment is finalized, the respondent Board cannot demand higher rate of tax based on the proposed enhanced property tax. Therefore, the writ petition is disposed of by directing the respondents 1 and 2 to ascertain as to whether the revision of property tax has attained finality and if so, a fresh show cause notice be issued to the petitioner and the respondents 1 and 2 shall proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

S/d

Assistant Registrar

True Copy

Sub-Assistant Registrar

cse

To

- 1.Chennai Metro Water Supply & Sewarage Board,
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- 2.Area Engineer,
Chennai Metro Water,
Zone V, Depot 71,
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- 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
E.V.R. Periyar Salai, Chennai.

+1cc to Ms.Karthikaa Ashok, Advocate, SR.No.22738

rli(22/05/2020)

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