

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3322 of 2012

V.Balaji

...Petitioner

Vs.

1. The Superintending Engineer,
Chennai Metropolitan Water and Sewerage Board,
No.9, Muthukrishnan Street,
T.Nagar, Chennai - 17.
2. The Assistant Engineer,
Chennai Metropolitan Water and Sewerage Board,
No.9, Muthukrishnan Street,
T.Nagar, Chennai - 17.
3. P.Anand Raju

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to cancel receipt dated 19.09.2011 in reference No.118207771 and further direct the respondents to issue the receipt in the petitioner's name or in the name of the petitioner's father M.Vadivel.

For Petitioner : Mrs.V.S.Usha Rani
For R1 & R2 : Mr.Jyothimani

O R D E R

The prayer made in this Writ Petition is to issue a direction to the respondent authorities to cancel the receipt dated 19.09.2011 bearing No.118207771 and to issue a fresh receipt in the name of the petitioner or his father M.Vadivel.

2.According to the petitioner, he is in possession and enjoyment of the property situated in No.21/40, Cauvery Street, Saligramam, Chennai - 93, which was originally belonging to his father. The assignment and all the revenue records relating to the said property stand in the name of his father, who is no more. On 13.07.2010, the second respondent issued a notice,

demanding the petitioner's father to pay a sum of Rs.1,756/-, which was duly paid by the petitioner. However, the receipt for payment of the said amount, came to be issued in favour of the third respondent, who claims himself to be the purchaser of the said property through public auction, in respect of which, a suit in CS.No.199 of 2011 is pending before this Court. Hence, the petitioner has filed the present writ petition for the aforesaid relief.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2.

4.On a perusal of the records, it is seen that the title of the property in question is pending consideration before this Court in C.S.No.199 of 2011, however, the possession of the same continues in favour of the petitioner. The only requirement of the petitioner in this writ petition is that the respondent Board has to issue receipt for the payment made with respect to the property in question, either in his name or in the name of his father.

5.Considering the aforesaid factual matrix, the respondents are directed to issue proper receipt with respect to the payment effected by the petitioner and the said payment would be subject to the outcome of the Civil Suit pending before this Court.

6.Accordingly, this Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

av

To

1. The Superintending Engineer,
Chennai Metropolitan Water and Sewerage Board,
No.9, Muthukrishnan Street,
T.Nagar, Chennai - 17.
 2. The Assistant Engineer,
Chennai Metropolitan Water and Sewerage Board,
No.9, Muthukrishnan Street, T.Nagar, Chennai - 17.
- +1cc to M/s.V.S.Usharani, Advocate, S.R.No.21483

W.P.No.3322 of 2012

NRJK(CO)
KKV/21/07/2020