

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.7352 OF 2015

AND

M.P.NO.1 OF 2015

P.R.Idumban and Brothers
S/o.P.R.Rathinasabapathy
No.153m Demellows Road
Pattalam, Chennai - 600 012.

... Petitioner

-vs-

The Area Engineer
Area No. VI, Chennai Metropolitan Water
Supply and Sewerage Board
No.3, Vadivelu Second Cross Street
Perambur, Chennai - 600 011.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records from the Respondent pertaining to the impugned demand notice no.16402, undated in respect of premises No.153, Demellows Road, Pattalam, Chennai - 12 for demanding the amount of Rs.6,40,044/- and quash the same.

For Petitioner : Mr.G.RM.Palaniappan

For Respondent : Mr.P.K.Panneer Selvam

सत्यमेव जयते
O R D E R

(through video conference)

The Writ Petition challenges the undated demand notice No.16402 issued by the Respondent for recovering the sum of Rs.6,40,044/- towards sewerage water tax for the property of the Petitioner situated at 153, Demellows Road, Pattalam, Chennai - 600 012.

2. Learned Counsel for the Petitioner submits that after the filing of the Writ Petition, the property tax for the same premises had been reduced from March 2018 and that the same annual value would have to be taken for the purpose of

computation of sewerage tax and water tax also for the relevant periods and in such circumstances, permission of this Court is sought to withdraw the Writ Petition with liberty to the Petitioner to make a representation to the Respondent to suitably reduce amount of sewerage tax and water tax in consonance of the annual value of the property that had been taken for assessing property tax.

3. Having regard to the aforesaid submissions made, the Petitioner shall be entitled to make a representation to the Respondent on the aforesaid terms along with a working-sheet showing the amount of sewerage tax and water tax and make payment of that amount on or before 15.12.2020. On receipt of such representation with payment, the Respondent shall afford an opportunity of personal hearing to the Petitioner and consider the same with reference to the supporting materials in proof of the claim made and pass reasoned orders on merits and in accordance with law and no coercive action for recovery shall be taken till the aforesaid exercise is completed. In the event of the Petitioner not fulfilling any of the aforesaid requirements, the Respondent shall not be precluded from proceeding further for recovering of the sewerage tax and water tax due for the property in the manner recognised by law.

4. Accordingly, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Maya/kv

To

The Area Engineer
Area No. VI, Chennai Metropolitan Water
Supply and Sewerage Board
No.3, Vadivelu Second Cross Street
Perambur, Chennai - 600 011.

+1cc to Mr.G.RM.Palaniappan, Advocate, S.R.No.37287

W.P.No.7352 of 2015

VSNI(CO)
CS/02/12/2020