



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.15498 OF 2021 AND

W.M.P.NO.16425 OF 2021

Chennai Kalyana Mandapam Owners Association,
Rep., by its Secretary, Mr.J.Srinivasan,
Regd. No.58/2005, Tamil Nadu Societies Act, 1975,
Regd. Office at No.84, S.R.P.Koil Street,
Agaram, Chennai-600 082.

... Petitioner

-Vs-

1. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai.

2. The Chief Engineers,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai.

3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent and its officials from demanding the water and sewage tax based on the new annual rental value and collect the tax based on the old annual rental value and further not to collect the new sewerage monthly charges levied from the month of September, 2019.

For Petitioner : Mr.R.Rajaram

For RR 1 & 2 : Mr.P.K.Pannerselvam
Standing Counsel

For R3 : Ms.S.Vaitheeswari,
Standing Counsel



ORDER

The relief sought for in this writ petition is to direct the first respondent and its officials from demanding the water and sewage tax based on the new annual rental value and collect tax based on the old annual rental value and further, not to collect sewerage monthly charges levied from the month of September, 2019

2. The petitioner is Chennai Kalyana Mandapam Owners Association, registered under the provisions of the Tamil Nadu Societies Act, 1975.

3. The petitioner states that they are working for the welfare of their members, who all are the owners of Kalyana Mandapam, that is, the Marriage Halls in Chennai city.

4. The learned counsel appearing on behalf of the petitioner-Association made a submission that the authorities are demanding exorbitant water and sewerage charges based on the new annual rental value and therefore, the members of the petitioner-Association are not in a position to pay the water and sewerage charges. Thus, their claim is to be considered.

5. The petitioner, Chennai Kalyana Mandapam Owners Association, cannot be construed as an aggrieved person so as to entertain a writ petition regarding the demand of water and sewerage charges. Property tax and water charges are levied in accordance with the provisions of the statutes and more specifically, the water and sewerage charges are levied based on the property tax assessed by the Chennai Corporation. Therefore, the Association, on behalf of all its members, who all are the owners of their respective Kalyana Mandapams in Chennai city, cannot maintain the present writ petition.

6. Admittedly, the members of the petitioner-Association are the owners of Kalyana Mandapams, that is, Marriage Halls in Chennai city and they are seeking certain concession regarding the demand of water and sewerage charges from the respondent-Board.

7. This Court is of the considered opinion that the persons owning such a valuable property in Chennai city cannot be considered as a deserving person for the purpose of grant of relaxation or reduction of tax even by the Government. These members of the petitioner-Association or Association are also charging exorbitantly for the Kalyana Mandapams (Marriage Halls) in the city. When the members of the petitioner-Association are collecting exorbitant charges from the public, for conducting marriages in their halls, there is no reason whatsoever to show



any leniency or concession in the matter of payment of property tax or water and sewerage charges.

8. COVID-19 cannot be a ground for these landlords to claim any concession. When large number of employees/labors lost their job and struggling for livelihood on account of pandemic, the owners of the Marriage Halls in the Chennai city cannot be considered as a person deserving for extending any such benefit of tax concession.

9. This being the factum established, this Court is of the opinion that the respondents are bound to ensure that property tax and water and sewerage charges are collected from the members of the petitioner-Association promptly and without showing any leniency.

With the above directions, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

abr

To

1. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai.
2. The Chief Engineer,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.

+1cc to Mr.J.Suresh, Advocate, S.R.No.36794

W.P.NO.15498 OF 2021

AK(CO)
PBS/23/08/2021