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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP NO.18659 OF 2021

Dharmamurthi Rao Bahadur

...Petitioner

-Vs-

1. Chennai Metropolitan Water Supply & Sewerage Board
Rep. By its Managing Director,
No.1, Pumping Station Road, Chintadripet
Chennai - 600002.

2. The Senior Accounts Officer
Chennai metropolitan Water Supply & Sewerage Board
M.C.Road, Anna Poonga, Washermanpet,
Chennai - 600013.

...Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other Writ or Direction to the respondents to consider the representation of the petitioner dated 08.12.2020 concerning the surcharge issue relating to the premises bearing No.115, Govindappa Naicken Street, Chennai- 600001 and direct the 2nd respondent to consider the same after affording an opportunity to the petitioner.

For Petitioner : Mr.R.S.Jeevarathram,
Senior Counsel

For Respondents : Mr.P.K.Panneer Selvam
Standing Counsel



ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner trust on 08.12.2020, wherein the petitioner had requested the 2nd respondent to re-work the demand made by the 2nd respondent towards the water and sewage tax and the surcharge imposed against the petitioner.

2. Heard the learned Senior counsel appearing for the petitioner and the learned counsel appearing on behalf of the respondents.

3. The main grievance of the petitioner seems to be that the respondent board had levied the water and sewage tax without considering the modified annual value of the property fixed by the Corporation of Chennai with effect from the second half of 1999-2000. Therefore, according to the petitioner, the entire tax requires to be reworked and the second respondent must also consider not imposing any surcharge against the petitioner, which is a trust carrying on with charitable activities.

4. A careful reading of the representation made by the petitioner on 08.12.2020 shows that the petitioner trust has raised nearly 8 grounds to be considered by the 2nd respondent for reworking the water and sewage tax and not to levy the surcharge. This has to be necessarily considered by the 2nd respondent and a decision must be taken and informed to the petitioner.

5. In view of the above, there shall be direction to the 2nd respondent to consider the representation made by the petitioner on 08.12.2020 and deal with the same on its own merits and in accordance with law and take a decision and inform the petitioner regarding the same within a period of four weeks from the date of receipt of a copy of this order. If the 2nd respondent seeks for any clarification or explanation, the representative of the petitioner trust shall also be granted an opportunity of personal hearing before the decision is taken.



6. This writ petition is disposed of with the above directions. No costs.

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Sd/-

Assistant Registrar(L.A)

// True Copy //

Sub Assistant Registrar

rka/sha

To

1. The Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board
No.1, Pumping Station Road, Chintadripet
Chennai - 600002.
2. The Senior Accounts Officer
Chennai metropolitan Water Supply & Sewerage Board
M.C.Road, Anna Poonga, Washermanpet,
Chennai - 600013.

Writ Petition No.18659 of 2021

LN(CO)
RLP(05/10/2021)