

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.30909 of 2018
and W.M.P.No.36058 of 2018

B.Ravi,
S/o.T.Balaraman

.. Petitioner

-vs-

- 1.Chennai Metro Water Supply and
Sewerage Board,
Rep., by its Managing Director,
1, Pumping Station Road,
Chintatripet, Chennai-600 002.
- 2.Senior Accounts Officer,
Finance Department,
Chennai Metro Water and Sewerage Board,
1, Pumping Station Road,
Chintatripet, Chennai-600 002.
- 3.The Area Engineer VI,
Chennai Metro Water Supply,
Vadivel 2nd Cross Street,
Perambur, Chennai-600 011.
- 4.The Special Thasildar,
Chennai Metro Water and Sewerage Board,

1, Pumping Station Road,
Chintatripet, Chennai-600 002.
- 5.Mrs.Noorjehan,
W/o.Mr.A.K.Abdul Salim
- 6.Mrs.Tajunna,
W/o.A.Umar Basha
- 7.Mrs.Shamshad Begum,
W/o.Mr.Mohammed Yousuff
- 8.Mrs.Farida (Alias) Humayun,
W/o.Mr.G.Niyamathullah Khan

9.Mr.M.H.Shahul Hammed,
S/o.Mr.Mohammed Hussain Sahib

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the third respondent pertaining to the impugned notice to occupier dated 18.07.2018, bearing Serial No.352, CMC No.0607300447000, in respect of the premises being building at No.81 (40) Dr.Ambedkar College Road, Pulianthope, Chennai-600 012 and quash the same and consequently direct the respondents to hold that the distraint order dated 17.09.2018 issued under Section 8 of the Tamil Nadu Revenue Recovery Act 1864 dated 05.09.2018 and the act of the 3rd respondent in locking and sealing the aforesaid premises as null and void, not operative and thereon permit the petitioner to use the said premises.

For Petitioner : Ms.P.Vedhika
for Mr.A.Palaniappan
For RR1 to 4 : Mr.M.Jothikumar
For RR5 to 9 : Not ready in notice

ORDER

The notice to the occupier issued by the third respondent under Section 62(2) of the Chennai Metropolitan Water Supply and Sewerage Act, 1978 is under challenge in the present writ petition.

2.The impugned notice states that in respect of the subject property occupied by the writ petitioner, the owner has not paid the water and sewerage tax as per the demand made by the third respondent. Thus, by invoking the provisions of Section 62(2) of the said Act, the competent authority issued notice to the writ petitioner, who is in occupation of the subject property. Instead of paying the water and sewerage tax by himself, or informing the same to the owner, the writ petitioner has chosen to file the present writ petition.

3.This Court is of the considered opinion that tax was assessed and demand is made. If at all any grievance exists with reference to the manner in which the tax is determined, the petitioner or the owner of the subject property has to approach the competent appellate authority for redressal of his grievances. Instead the writ petition is filed.

4.The High Court cannot adjudicate these facts and circumstances in a writ petition under Article 226 of the

Constitution of India, which is to be done by the competent authorities by adjudicating the documents and evidences to be produced by the respective parties. Thus, the petitioner is at liberty to approach the competent authorities, if any grievance exists and thereafter, file an appeal before the appellate authority under the provisions of the said Act. Only after complete adjudication of facts and circumstances with reference to the documents and evidences, the High Court would be in a position to decide the issues and the process through which such a decision is taken by the competent authorities. The scope of writ petition under Article 226 of the Constitution of India is to scrutinize the processes from which a decision is taken by the competent authority and certainly not the decision itself. Thus, the relief as such sought for cannot be granted and the writ petitioner is at liberty to approach the competent authorities and the appellate authorities with reference to the disputes.

5. With the above observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

abr

To

1. The Managing Director,
Chennai Metro Water Supply and
Sewerage Board,
1, Pumping Station Road,
Chintatripet, Chennai-600 002.

2. The Senior Accounts Officer,
Finance Department,
Chennai Metro Water and Sewerage Board,
1, Pumping Station Road,
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4.The Special Thasildar,
Chennai Metro Water and Sewerage Board,
1, Pumping Station Road,
Chintatripet, Chennai-600 002.

+1cc to Mr.A.Palaniappan, Advocate SR.No.24041

W.P.No.30909 of 2018

RLD (CO)
GMY (22/06/2021)



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