



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.2734 of 2018

S.Sarath Babu

.. Appellant

Vs

1.The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai-600 003.

2.The Executive Engineer,
Nadu Water Supply and Sewerage
Board, Chennai.

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 19.09.2018 made in W.P.No.26388 of 2011.

Prayer in WP.NO.26388 of 2011: Petition filed under Article 226 of the Constitution of India Praying to issue a writ of certiorari calling for the records of the First respondent in 208/RD/088/2011-2012 dated 05/08-2011 and to quash the same as illegal.

For Appellants : Mr.K.M.Ramesh

For Respondents : Ms. Karthika Ashok
Senior Standing Counsel for R1

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred against the order of the learned single Judge, who after going into the merits of the case, upheld the revised assessment of the respondent dated 05.08.2011.

2.We are of the view that the learned single Judge ought not to have decided the matter on merit especially when the first respondent itself has not taken a plea on the earlier occasion that the appellant has approached the Tribunal by way of filing



an appeal. Law is quite settled on this aspect. In revenue matters, the Court should be slow in interfering with the decision taken by invoking Article 226 of The Constitution of India which is otherwise discretionary and extraordinary in nature.

WEB COPY

3. In such view of the matter, we permit the appellant to pay 50% of the amount which is subject matter of the order impugned. For the purpose of computing the said amount, the amount already paid by way of interim arrangement before this Court at the time of entertaining the appeal can be deducted. As the appellant is pursuing the remedy before this Court, we are inclined to grant four weeks time to the appellant to file an appeal in the manner aforesaid.

The writ appeal stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

raa/mmi

To

1. The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai-600 003.

2. The Executive Engineer,
Nadu Water Supply and Sewerage
Board, Chennai.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.28838

+1cc to M/s.Karthika Ashok, Advocate, S.R.No.28791

W.A.No.2734 of 2018

LN(CO)
CB(16/07/2021)