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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 28.02.2022

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.4154 of 2022

and

W.M.P.No.4293 of 2022

K.V.Rajan

...Petitioner

.Vs.

1. The Commissioner
Greater Chennai Corporation
Chennai - 600 003.

2. The Managing Director
Chennai Metro Water and Sewerage Board,
No.1, Pumping Station Road,
Chennai - 600 002.

3. The Area Engineer IV
Now Area IX, No.1, Dr.Ranga Road,
Abiramapuram,
Chennai - 600 018.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3, their men and people or subordinates or any other claiming through them from in any manner making illegal claim of tax for the non-existing property namely Door No.24, Car Street, Triplicane, Chennai - 600 005 (Old CMC No.0608901210000020).

For Petitioner : Mr.S.Balasubramanian

For Respondents : Ms.S.Vaitheeswari,
Standing Counsel for R1

Mr.M.Vijayakumar
Standing Counsel for R2 and R3



ORDER

The prayer sought for herein is for a writ of mandamus forbearing the respondents 2 and 3, their men and people or subordinates or any other claiming through them from in any manner making illegal claim of tax for the non-existing property namely Door No.24, Car Street, Triplicane, Chennai - 600 005 (Old CMC No.0608901210000020).

2. The property at Door No.24 in Car Street, i.e., Theradi Street, Triplicane, Chennai - 5 was originally belonged to the petitioner and his brother. Thereafter, the partition seems to have been made under which front portion was allotted to the petitioner's brother family and the back portion, i.e., rear portion was allotted to the petitioner.

3. Accordingly, it was sub divided as 24/1 [front portion] and 24/2 [rear portion]. Therefore, the rear portion 24/2 since allotted to the petitioner, he has been enjoying the same.

4. In respect of 24/2 property tax was assessed by the Corporation of Chennai followed by the Chennai Metro Water, where the new number 47/2 is taken note of, which is corresponding to the Old No.24/2.

5. In this regard, earlier occasion, the water tax was assessed by the Metro water against the petitioner only for the property at 47/2 [24/2] and recently according to the petitioner, he has received a whataspp communication from the Metro water stating that, there was a due of Rs.153/- as tax, charges and surcharges, which shall be paid jointly by the brother Rangarajan of the petitioner and the petitioner, thereby according to the petitioner once again, they made a joint demand for the whole property, i.e., Old No.24 unmindful of the sub-division made in this regard, therefore the present petition has been filed seeking for a mandamus forbearing the respondents 2 and 3 from insisting upon any payment of water tax in the joint name of the petitioner and his bother for the whole property.

6. Mr.S.Balasubramanian, learned counsel appearing for the petitioner having reiterated the aforesaid would seek indulgence of this Court.

7. Heard Mr.M.Vijayakumar, learned standing counsel appearing for R2 and R3 and Ms.S.Vaitheeswari, learned standing counsel appearing for R1.

8. The learned standing counsel appearing for R2 and R3, i.e., the Metro water, on instruction would submit



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that, there is no such demand has been made by the Metro water against the petitioner combining the name of the petitioner's brother, as if that it is a joint property in the Door No.24, claiming Rs.153/- as the demand of water tax, charge and surcharge as stated by the petitioner. Therefore this can be recorded and the writ petition may be disposed of, by giving liberty to the respondent Metro water to issue a proper demand in respect of the petitioner's divided property, i.e., 24/2 presently 47/2 alone in the manner known to law.

9. Having considered the said submissions made by both sides, especially the submission made by the learned standing counsel for the respondent Metro Water and recording the said submission made by him, this Court is inclined to dispose of this writ petition with the following orders :

Since the property, i.e., Door No.24, Car Street, Triplicane has been sub divided between the petitioner and the petitioner's brother it has been given a new number called 47/2, which is equivalent to the original old number, 24/2, i.e., the rear portion of the property which was allotted to the petitioner.

If at all any water tax or charges is due payable by the petitioner for his property alone to the Metro water, it is open to the Metro water authority to make a demand in the manner known to law for recovery of the same.

8. With these observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

tsvn



To

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 3. The Area Engineer IV
Now Area IX, No.1, Dr.Ranga Road,
Abiramapuram, Chennai - 600 018.
- +2cc to Mr.S.Balasubramaniam, Advocate, S.R.No.12931
- +1cc to Mr.S.Vaitheeswari, Advocate, S.R.No.13144

W.P.No.4154 of 2022

RN(22/03/2021)
CP(CO)