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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8902 of 2022
and W.M.P.Nos.8739 and 8742 of 2022

1.Bharath Kumar Mardia
2.Meena Singhi
3.Bhanu Bafna

... Petitioners

Vs.

1.Metropolitan Water Supply and Sewerage Board,
Represented by its Managing Director,
Mount Road,
Chennai-600002.

2.Area Engineer VIII,
Metropolitan Water Supply and Sewerage Board,
227, II Avenue Near 12th Main Road,
Anna Nagar, Chennai-600040.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from demanding water charges for our apartment complex considering of 3 dwelling units at 13/3, Sirohi Villa Damodaran street Kilpauk Chennai 10 for the period from 2020/10 to 2022/01 and direct the 2nd respondent to collect water charges by taking the water meter reading every month and direct the 2nd respondent to restore the sewerage connection for the petitioners apartment viz. 13/3, Sirohi Villa, Damodaran street, Kilpauk, Chennai 10 having assessment No. Tax No:08/103/90561/SSB dated NIL.

For Petitioners : Mr.S.P.Meenakshi Sundaram

For Respondents : Mr.M.Muthusamy
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to forbear the respondents from demanding water charges for their apartment complex considering of 3 dwelling units at 13/3, Sirohi Villa Damodaran Street,



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Kilpauk Chennai 10 for the period from 2020/10 to 2022/01 and direct the 2nd respondent to collect water charges by taking the water meter reading every month and further direct the 2nd respondent to restore the sewerage connection for the petitioners apartment viz. 13/3, Sirohi Villa, Damodaran street, Kilpauk, Chennai 10, having assessment No. Tax No:08/103/90561/SSB dated NIL.

2. The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioners is that there are 3 dwelling units at 13/3, Sriohi Village, Damodaran Street, Kilpauk, Chennai-600010 and the petitioners have been assessed to property tax and CMWSSB Tax and they are regularly paying the property tax and water tax. The assessment No. is tax No.08/103/90561/SSB and it stands in the name of the 2nd petitioner. All of a sudden, the 2nd respondent came to petitioners' apartment complex on 16.03.2022 and demanded a sum of Rs.1,70,949/- as water charges for the period of 2020/10 to 2022/01 and threatened disconnection of the Sewerage line, in the event of failure to pay the water charges. The Sewerage connection was sealed illegally on 30.03.2022. Then the 1st petitioner sent an e-mail by requesting to restore the connection, on 30.03.2022. The 2nd respondent has given a reply stating that the sewerage line was sealed due to the reason that the water charges are pending. Aggrieved by the same, this writ petition is filed with the above said prayer.

4. Learned Counsel for the petitioners submitted that the petitioners may be permitted to deposit the entire amount of Rs.1,70,949/- within a time stipulated by this Court and upon such deposit, the respondents may be directed to restore the sewerage connection and further liberty may be granted to the petitioners to file objection petition as against the 2nd respondent.

5. The learned Government Advocate appearing on behalf of the official respondents has no objection to this Court passing an order on the lines submitted by the petitioner.

6. In view of the submissions of the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the petitioners to deposit the entire amount of Rs.1,70,949/- before the second respondent,, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said amount, the 2nd respondent is directed to restore the Sewerage connection within a period of two weeks thereafter. Further, liberty is granted to the petitioners to file objection petition before the 2nd respondent, with regard to the demand and if such objection petition is filed, the respondents are directed to dispose of such objection petition



within a period of eight weeks thereafter.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Psa

To

1. The Managing Director,
Metropolitan Water Supply and Sewerage Board,
Represented by its,
Mount Road, Chennai-600002.

2.Area Engineer VIII,
Metropolitan Water Supply and Sewerage Board,
227, II Avenue Near 12th Main Road,
Anna Nagar, Chennai-600040.

+2ccs to Mr.S.P.Meenakshi Sundaram, Advocate SR.No.24258

+1cc to Mr.M.Muthusamy, Advocate SR.No.24602

W.P. No.8902 of 2022

SR(CO)
GMY(13/04/2022)