



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.10212 OF 2022

&

W.M.P.NO.9916 OF 2022

C.Sudamani

... Petitioner

Vs.

1. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
No.1, Pumping Station Road,
Chintadripet, Chennai - 2.
2. The Assistant Engineer, Area 13
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
Adyar, Chennai - 20.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents herein, which culminated in the Impugned Tax Demand Statement dated 29.03.2022 issued by the 1st respondent herein, demanding a huge amount of Rs.1,28,813/- by way of the alleged enhanced water and sewerage taxes as on 29.03.2022 in respect petitioner's building bearing Old No.77/3 (New No.181), L.B.Road, Thiruvanmiyur, Chennai - 600 041, quash the said impugned demand statement as illegal, and to direct the Respondents to provide to the petitioner suitable clarification to the queries sought by the Petitioner in the account statement of the Respondents dated 15.03.2022 and thereby to provide a revised clear and proper statutorily valid account statement providing all the particulars of tax demands, tax receipts made so far, tax dues and details of surcharge imposed and collected with regard to the petitioner's property.

For Petitioner : Mr.J.T.Rajasuriya

For Respondents : Mr.M.Vijaya Kumar
Standing Counsel



ORDER

Mr.M.Vijaya Kumar, learned Standing Counsel accepts notice for the respondents and is armed with sufficient instructions to proceed with the matter finally. Hence, by consent expressed by both learned counsel, final orders are passed even at the stage of admission.

2. The challenge laid by the petitioner is to the demands of water and sewerage taxes, all dated 29.03.2022, in respect of petitioner's building bearing Old No.77/3 (New No.181), L.B.Road, Thiruvanmiyur, Chennai - 600 041.

3. The petitioner had earlier approached this Court in W.P.No.22043 of 2021, assailing the identical demands. That writ petition came to be closed by a learned Single Judge of this Court permitting the petitioner to submit an explanation as to why the demand is incorrect within 30 days from date of receipt of copy of that order. The respondents were directed to hear the petitioner and pass orders on merits and in accordance with law. Pursuant thereto, the petitioner has made a representation on 28.12.2021.

4. Admittedly, the reiteration of the demands by way of the impugned orders has not been preceded by a personal hearing, as specifically directed by the learned Judge in the earlier writ petition. In order to facilitate an easy resolution of the dispute and hopefully to avoid another round of litigation, the petitioner is permitted to appear before the 2nd respondent on Monday, the 2nd of May at 10:30 AM without awaiting any further notice in this regard.

5. The petitioner shall be heard in respect of representation dated 20.12.2021 and is also at liberty to furnish any other particulars that he may desire in support of his computation of the demands. After hearing the petitioner, the authorities shall pass a speaking order, in accordance with law and addressing the grounds raised by the petitioner. Such exercise shall be carried out within three weeks from the date of personal hearing i.e. on or before 23.05.2022.

6. This order is conditional upon the petitioner remitting 50% of the impugned demand and producing proof thereof before R2 on 02.05.2022, when he has been permitted to appear before the respondent. Upon compliance as aforesaid the balance of the demands shall remain stayed till 23.05.2022 or till orders are passed anew, whichever is earlier and subject to the orders to be passed.



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7. This writ petition stands disposed in the above terms.
Connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nst/ska

To

1. The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
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2. The Assistant Engineer, Area 13
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
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AD(CO)
RLP(20/05/2022)