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*W.P.Nos.580 to 582 of 2015
a n d
33870 to 33872 of 2014*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23/11/2022

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

Writ Petition Nos.580 to 582 of 2015

a n d

33870 to 33872 of 2014

a n d

M.P.Nos.1, 1 and 1 of 2014 & 1, 1 and 1 of 2015

Udaya Nagar Welfare Association
rep. By its President
Mr.P.M.Mohan
Having its Registered Office at
No.62 Udaya Nagar Main Road
Porur
Chennai 600 116.

...

Petitioner in W.P.No.
580 of 2015

New Colony Residents Welfare Association
rep. By its Secretary
Mr.S.Nallasivam Pillai.
Having its Registered Office at
48 Vinayagar Koil Street
New Colony, Porur
Chennai 600 116.

...

Petitioner in W.P.No.
581 of 2015



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Sabari Nagar Residents Welfare Association
rep. By its Secretary
Ms.T.Radha
Having its Registered Office at
5th Cross Street
Sabari Nagar, Porur
Chennai 600 116.

...

Petitioner in W.P.No.
582 of 2015

Porur Astalakshmi Nagar Kudirruppore Nala Sangam
rep. By its President
Mr.K. Daksshnamurthy
Having its Registered Office at
33 Astalashmi Nagar, II Street
Porur
Chennai 600 116.

...

Petitioner in W.P.No.
33870 of 2014

R.K.Nagar Residents Welfare Association
rep. By its President
Mr.R.Raghunathan
Having its Registered Office at
12 P1, 86, 7th Avenue
Ramakrishna Nagar, Porur
Chennai 600 116.

...

Petitioner in W.P.No.
33871 of 2014

Mangala Nagar nala Vazhvu Sangam
rep. By its President
Mr.G.Natarajan
Having its Registered Office at
Plot 188, 10th Cross Street
Mangala Nagar, Porur
Chennai 600 116.

...

Petitioner in W.P.No.
33872 of 2014



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3. The main grievance of the petitioners is that AGS Colony, Shanthi Nagar, situated in Moulivakkam which is immediately adjacent to the petitioners Association, in respect of domestic connections, water charges were fixed at Rs.50/-. Hence, the petitioners Association have come forward with the instant writ petitions praying for the relief as stated therein.

4. Heard Mr.A.Palaniappan, learned counsel for the petitioners and Mr.N.Paul Sunder Singh, learned Standing counsel for the respondents.

5. The main contention of the petitioners association is that the Corporation, after merger of Porur Town Panchayat is collecting the water sewage charges at the rate of Rs.150/- per month fixed by the erstwhile Town Panchayat. Whereas, in the other areas, Corporation is collecting a uniform rate of Rs.50/- per month. Therefore, seeks to quash the demand.

6. The learned Standing Counsel appearing for the respondents submitted that 42 Urban Local Bodies were merged with Chennai



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Municipal Corporation vide G.O.(Ms).No. 97 dt. 19.07.2011 with effect from 01.10.201. The local bodies merged with Chennai Metropolitan Area had different tariff and water/sewer charges. Porur Town Panchayat prior to merger had resolved to collect Rs.150/- per month towards water supply charges vide then Local & Municipal Notification No.5, dated 01.07.2008. The Tamil Nadu Government vide its Gazette Notification No.51 dated 23.02.2012 has notified as follows:-

“ Provided that all taxes, fees and duties in respect of water supply and sewage services as levied by the local authority concerned before the date of the such extension shall be deemed to have been levied by the Board under the provision of the Act and shall continue to be in force accordingly, until such taxes, fees and duties are revised, cancelled or suspended by anything done on any action taken under this Act.”

7. The learned Standing counsel appearing for the respondents submitted that the respondent Board is collecting Rs.150/- per month



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towards water supply charges as resolved by the erstwhile Porur Town Panchayat. Sec.44 of CMWSS Act, 1978 (in short 'Act') empower CMWSS Board to levy water supply charges at different rate for different areas.

8. He would further submit that as per Sec.44 of the Act empowers the Corporation to collect such amount besides there is Government Order also notified to the effect that amount resolved by the erstwhile Town Panchayat shall continue to be received. Therefore, it is the contention that even now, the same amount has been paid . There is no revision made by the Corporation. Hence, he submits that Writ Petitions be dismissed.

9. I have perused the materials available on record.

10. Vide, G.O.(Ms).No.97, dated 19.07.2011, 42 Urban Local Bodies were merged with Chennai Municipal Corporation with effect from 01.10.2011. Gazette Notification also issued to the effect that all the taxes, fees and duties in respect of water supply and sewage services as levied by



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the local authority concerned before the date of such extension shall be deemed to have been levied by the Board under the provision of the Act and shall continue to be in force. Besides, Sec.44 of the Act also empowers the Board to levy water supply charges at different rate for different areas.

11. There is a Gazette Notification even at the time of merger to continue to receive the charges fixed by the erstwhile Town Panchayat and the same remain in force till it is revised. The date of merger is of the year 2011. Even now, the said amount is continuing and no revision whatsoever is taken place, after passage of more than 11 years. Therefore, this Court is of the view that when the Gazette notification permits the Corporation to receive the amount and Sec.44 also empowers to fix the different rate, the writ petitioners cannot challenge the same.

12. In such a view of the matter, these writ petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.



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10/11/2022

Index : Yes/No
Internet : Yes/No

mvs.

To

1. The Managing Director
Chennai Metro Water Supply and Sewerage Board
1 Pumping Station Road, Chintadripet
Chennai 600 002.
2. The Controller of Finance
Finance Department
Chennai Metro Water Supply and Sewerage Board
1 Pumping Station Road, Chintadripet
Chennai 600 002.
3. The Area Engineer XI
Chennai Metro Water Supply
1 Pumping Station Road, Chintadripet
Chennai 600 002

N.SATHISH KUMAR,J

mvs.



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