



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.11871 of 2014

Madras School of Social Work
Run by Society for Social & Education Research,
32A & 33, Casa Major Road
Egmore, Chennai 600008.

... Petitioner

Vs

The Tariff committee
Chennai Metropolitan Water Supply
and Sewerage Board
1, Pumping Station Road
Chintadripet,
Chennai 600002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling upon the respondent to levy water charges in respect of the premises bearing No.32A and 33, Casa Major Road, Egmore, Chennai - 600008 owned by the Petitioner in terms of the judgment and decree passed in O.S.8531 of 2006 treating the Petitioner as Domestic Residential Premises.

For Petitioner : Mr.Ravi
For M/s.Gupta and Ravi
For Respondent : Mr.N.Ramesh

O R D E R

The petitioner is registered as a Charitable Institution under the Societies Registration Act. The dispute, in this Writ Petition, relates to a demand of water charges, in respect of premises, bearing No.32A and 33, Casa Major Road, Egmore, Chennai - 600008.

2. The petitioner prays that, the levy, which was completed on commercial basis, be modified to domestic basis, in terms of judgment and decree passed in O.S.No.8531 of 2006 on 04.07.2007.



3. No counter affidavit has been filed, in this matter, despite a long elapse of time. The oral defence put forth by the learned Standing Counsel for the respondent is that, the petitioner, in the meantime, and pending writ petition, had settled the entire disputed arrears, also agreeing to withdraw all pending litigation, including the present writ petition.

4. Communication issued by the Chennai Metropolitan Water Supply and Sewerage Board, dated 26.09.2018, is produced before the Court, and I find in para No.2 that the settlement of the disputed arrears, is without prejudice to the pending litigation. Hence, the direction of the Authority to withdraw the pending cases is misconceived.

5. The settlement of disputed arrears appears to be solely as a measure of avoiding coercive action against it and cannot be taken to be acquiescence of the demand itself. As regards the merits of the petitioner's claim/case is concerned, learned counsel for the respondent would confirm that decree dated 04.07.2007 has become final, and as such the respondent is bound by the same.

6. Thus, there is substantial merit in the prayer of the petitioner seeking a Mandamus, directing the respondent to levy water charges under Domestic Residential Tariff only. To this effect, communication dated 16.12.2010 stating that the Board was initiating necessary action to set aside decree dated 04.07.2007 is clearly erroneous.

7. Moreover, Regulation 7 of the Chennai Metropolitan Water Supply and Sewerage Service Charges (Levy and Collection) Regulations, 1998, defines a domestic residential premises as;

““Domestic Residential Premises” means Dwelling units, Flats, Line of Houses, Residential Government Quarters, Raj Bhavan, Residence of Ministers, Judges and other High Dignitaries, Legislators, Hostel, Hostel of Colleges and Schools recognised by state or Central Government and includes premises used exclusively for religious purposes and old age homes.”

Thus, hostels run by college and schools, that have been accorded recognition by the State and Central Governments, would also to be entitled to Domestic Residential Tariff.

8. Subject to verification of whether the decree relates to, and covers both premises i.e., Door No.32 A and Door No.33, Mandamus, as sought for, is issued and the respondent is



directed to assess the petitioner only on the basis of Domestic Tariff.

9. This Writ Petition is allowed in the above terms. No costs.

WEB COPY

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

jeni/sd

To

The Tariff committee
Chennai Metropolitan Water Supply
and Sewerage Board
1, Pumping Station Road
Chintadripet, Chennai 600002.

+1cc to Mr.Gupta & Ravi, Advocate SR.No.24242

W.P.No.11871 of 2014

RK(CO)
GN(04/05/2022)