



WEB COPY



W.P. No. 26354 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 26354 of 2022

and

W.M.P. No. 25427 of 2022

Dr. M.James Rosemary

... Petitioner

-VS-

1. The Chairman and Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No. 1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.
2. The Senior Accounts Officer,
Chennai Metropolitan Water Supply and Sewerage Board,
Area - II Office,
M.C.Road, Anna Park,
Old Washermenpet,
Chennai - 600 021.
3. The Depot Engineer - 050,
Chennai Metropolitan Water Supply and Sewerage Board,
Area - II Office,
No. 1, M.C.Road, Anna Park,
Old Washermenpet,
Chennai - 600 021.
4. The Area Engineer - V,
Chennai Metropolitan Water Supply and Sewerage Board,
Area - II Office,
No. 1, M.C.Road, Anna Park,
Old Washermenpet,
Chennai - 600 021.

... Respondents



W.P. No. 26354 of 2022

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Letter No. CMWSSB/Area-V/Depot-050/2022 dated 06.09.2022 on the file of the Third Respondent and quash the same and consequently direct the Respondents to levy the charges as per the earlier assessment.

For Petitioner : Mr. S.Arokia Mani Raj

For Respondents : Mr. N.Paul Sundar Singh

ORDER

Heard Mr. S.Arokia Mani Raj, Learned Counsel for the Petitioner and Mr. N.Paul Sundar Singh, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Letter No. CMWSSB/Area-V/Depot050/2022 dated 06.09.2022 passed by the Third Respondent, which is impugned in this Writ Petition, by filing an appeal under Section 71 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978, before the Tribunal, Learned Counsel for the Petitioner seeks permission of the Court to



W.P. No. 26354 of 2022

withdraw the Writ Petition with liberty to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn, granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 27.09.2022, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.11.2022

vjt

Index: Yes/No

Note: (i) Issue order copy by 15.11.2022

(ii) Registry is directed to return the original copy of the impugned order under written acknowledgment after retaining a copy of the same for record.

To

1. The Chairman and Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No. 1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.



W.P. No. 26354 of 2022

2. The Senior Accounts Officer,
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P.D. AUDIKESAVALU, J.

vjt

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