



W.P.No.28945 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.11.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.28945 of 2022
and WMP No.28236 of 2022

G.Yoganathan

... Petitioner

Vs

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai – 600 003.
- 2.The Chairman-cum-Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chindathiripet, Chennai-600 002.
- 3.The Special Tahsildar, (R&R Act),
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai – 600 002.
- 4.The Assistant Revenue Officer,
Zone-6,
Greater Chennai Corporation,
Chennai.
(R4 impleaded vide this order)

... Respondents



W.P.No.28945 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the impugned Revenue Recovery Notice dated 19.09.2022, bearing Assessment No.06/078/02844/000 issued by the 3rd Respondent and Quash the same as illegal and arbitrary.

For Petitioner : Mr.S.Murugan

For Respondents : Ms.Aswini Devi .K (for R1 & R4)
Standing Counsel
Ms.E.Sherlline Ranjitham (for R2 & R3)
for Mr.Paul Sunder Singh
Standing Counsel

ORDER

Ms.Aswini Devi, learned Standing Counsel accepts notice for R1 and Ms.Sherlline Ranjitham, learned counsel on behalf of Dr.Paul Sunder Singh, learned Standing Counsel accepts notice for R2 and R3. Both are armed with instructions to enable final disposal of this matter.

2. The petitioner is an individual and has challenged demand notice dated 19.09.2022 calling upon him to remit alleged arrears of water tax of an amount of Rs.2,76,353/- under threat of disconnection within 7 days from date of receipt of the letter in regard to the property at Door No.329 (192), Raja Muthaiah Salai (Sydenhams Road), Choolai, Chennai – 600 112 (property in question). The demand notice does not contain any details of the period to which it relates.



W.P.No.28945 of 2022

3. Parties would accede to the position that demand of water tax would be based upon the property tax levied upon the property, and a proportion thereof.

The petitioner also circulates a representation made before the Regional Deputy Commissioner on 20.09.2022, which has been received by that authority on 21.09.2022 seeking re-consideration of the property tax assessment for the period first half of 2022 onwards citing financial stringency.

4. Though the representation has been addressed to the Regional Deputy Commissioner, Ms.Aswini Devi, upon instructions, would submit that the proper person to consider and dispose the representation would be the Assistant Revenue Officer, Zone 6, Greater Chennai Corporation, Chennai.

5. Thus, the aforesaid authority is impleaded suo motu as R4 and Ms.Aswini Devi, learned Standing Counsel accepts notice for the newly impleaded R4.

6. In light of the aforesaid position and since the demand of water tax would be dependent upon the assessment of property tax, let representation dated 20.09.2022 received by the Regional Deputy Commissioner be transmitted to the newly impleaded R4, who, after hearing the petitioner as well as any other person, he thinks necessary for the proper adjudication of the representation will pass orders thereupon, within a period of eight (8) weeks from today. Till such time or till the disposal of the representation assessing



W.P.No.28945 of 2022

DR.ANITA SUMANTH,J.

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the property tax for the property in question, whichever is earlier, the demand of water tax shall be kept in abeyance.

7. This Writ Petition is disposed in the aforesaid terms. No costs.
Connected Miscellaneous Petition is closed.

03.11.2022

Index : Yes / No

Speaking Order

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Note: Registry is directed to carry out necessary amendments in the cause title.

To

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