



W.P.No.1946 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.1946 of 2022
and
W.M.P.No.2103 of 2022

Mohammad Ebthihar Hussain

... Petitioner

vs.

The Area Engineer,
CMWSS Board – Area -V,
No.1, M.C.Road,
Anna Poonga,
Chennai – 600 021

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, to call for the records of the Respondent in his proceedings dated 27.12.2021 in CMC 05/063/00379/000 and quash the same and consequently direct the Respondent to issue fresh demand notice to the petitioner for claiming such water and sewage charges with regard to property situate in Karim Manson, Door No.787, Mount Road, Anna Salai, Chennai – 600 002.



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For Petitioner : Mr.V.Praveen kumar

For Respondent : Mrs.V.Vijayalakshmi
Standing Counsel

ORDER

As far as petitioner is concerned, the petitioner has paid proportionate water and sewerage charges pursuant to interim directions of this Court dated 04.08.2023.

2. The learned counsel for the petitioner would submit that the petitioner is a tenant of M/s.Tangent Works Technologies Pvt. Ltd and that unless there is a separate Assessment for the ground floor, the problem would continue even for the ensuing period.

3. The learned Standing Counsel for the respondents would submit that although submission has been made, the petitioner is a tenant of M/s.Tangent Works Technologies Pvt. Ltd, there are no documents available to substantiate. The property is in the name of M/s.Tangent Works Technologies Pvt. Ltd.



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4. That apart, as far as other portions in the ground floor, first floor, second floor, third floor and top floor is concerned, there are other co-owners or as occupants/tenants whose name is given under:

- 1.Mr.MD.Isharath
- 2.Mrs.Azra
- 3.Mr.MD.Shoukath
- 4.Mr.MD.Hasmath
- 5.Mrs.Durdana and
- 6.Mr.MD.Raffath

5. However, water and sewerage charges are not being paid by them. It is further submitted that there are no records to show, that above named persons are the owners of the property.

6. Be that as it may, the respondents are only concerned with collection of water and sewerage charges for the property.

7. Considering the fact that the petitioner is admittedly a tenant and not the owner, the petitioner can be saddled only with proportionate tax and water charges leviable for the entire period. The respondent is entitled to recover the proportionate amount of tax arrears and arrears for charges from other tenants/occupants.



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Therefore, liberty is given to the respondent to issue pro-rata demand notice for the ensuing period on the petitioner and also on the tenants if the owner fails to come forward to pay taxes and charges. In case, there is a failure on the part of the parties to remit the water tax and sewerage charges, the respondent is entitled to invoke the appropriate proceedings under the Act to recover the amount from the other persons in occupation of the rest of the property.

8. This writ petition stands disposed of with the above observations. No costs. Consequently, connected writ miscellaneous petition is closed.

25.08.2023

Index:Yes/No
Internet:Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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To

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CMWSS Board – Area -V,
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C.SARAVANAN, J.

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