



WEB COPY



W.P.Nos.15722, 15723 & 15724 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.15722, 15723 & 15724 of 2012
and M.P.Nos.1 & 2 of 2012

Bannari Amman Sugars Limited (Distillery Division)

Represented by its Company Secretariat

Sri C Palaniswamy

having its registered office at

1212 Trichy Road, Coimbatore 641 018.

Petitioner in
all W.Ps

vs

1. The Executive Engineer

Public Works Department

Bhavanisagar Dam Division

Bhavanisagar.

2. The State of Tamil Nadu

Rep. by the Secretary to Government

Public Works Department

Fort St. George, Chennai – 600 009.

[R2 impleaded vide order dated 12.07.2012 in

M.P.No.3 of 2012 in W.P.Nos.15722 to

15724 of 2012]

Respondents
in all W.Ps

Prayer in W.P.No.15722 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the respondent bearing Letter No.VAPA/EVAA2/KO.PA.A.SU(SU)/248M/2012 dated 5.6.2012 and quash the same;

Prayer in W.P.No.15723 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the



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records relating to the proceedings of the respondent bearing Letter No.VAPA/EVAA2/KO.PA.A.SU(SU)/250M/2012 dated 5.6.2012 and quash the same;

Prayer in W.P.No.15724 of 2012: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the respondent bearing Letter No.VAPA/EVAA2/KO.PA.A.SU(SU)/249M/2012 dated 5.6.2012 and quash the same.

For Petitioners in
all W.Ps :

Mr.V.Kalyana Raman
for M/s.Aiyer and Dolia

For Respondents in
all W.Ps :

Mr.T.Arunkumar
Additional Government Pleader
for R1 & R2

ORDER

The order of demand to pay the water consumption charges issued by the respondent in the proceeding dated 05.06.2012 is under challenge in the present writ petition.

2. The petitioner is M/s.Bannari Amman Sugars Limited. The petitioner admittedly were consuming water from the river Bhavani for their industrial usage and with reference to the usage of water, the second respondent conducted an inspection and accordingly, demanded the arrears of water charges to be paid by the petitioner.



3. No doubt, the industries on the usage of river water is bound to pay the water charges to the Government. If at all, any dispute regarding the calculation or otherwise, they are bound to approach the authorities for clarification or to get further details regarding the assessment made by the competent authorities for such demand. Contrarily, High Court cannot interfere with such demand letters issued by the competent authorities to recover the water consumption charges. More specifically, the petitioner has utilised the water from the river for industrial purposes and that being the case, they are bound to settle the water charges. The discrepancies, if any, in the order of the demand, are to be rectified only through the authorities and the High Court in a writ proceeding cannot conduct a roving inquiry regarding the manner through which the calculations are made and the demand order is passed.

4. Thus, the petitioner is at liberty to seek clarification if any doubt remains or otherwise, and the water consumption charges are bound to be settled in accordance with the law. Merely under the guise of clarification, the petitioner cannot delay the payment of water charges which is statutory in nature.



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be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral Citation : Yes/No

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The State of Tamil Nadu
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S.M. SUBRAMANIAM, J.

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