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W.P.No.20938 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.20938 of 2007

1. M/S. Rajalakshmi Paper Mills Ltd.,
Palani Road, Madathukulam-642 113,
Udumalpet Taluk,
Rep. by its Chairman,
Dr.V.Genguswamy.

...Petitioner

-Vs-

1. The Government of Tamilnadu,
Rep. by its Secretary to Governemnt,
Public Works Department,
Fort St. Geroage, Chennai-600 009.
2. The Superintending Engineer,
Public Works Department,
Water Resources Organisation,
Special Development Division, Palani.
3. The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Amaravathi Basin Divison,Karur-639 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the proceedings bearing No.VP/VA2/K.29(g)/125VN/02 dated 07.06.2007 on the files of the 2nd respondent and quash the



W.P.No.20938 of 2007

same.

For Petitioner : Mr.V.Kalyana Raman for
M/s.Aiyar & Dolia

For Respondents : Mr.P.Sanjay Gandhi, Govt.Advocate

ORDER

The order of demand to pay the water consumption charges issued by the respondent in the proceeding dated 07.06.2007 is under challenge in the present writ petition.

2.The petitioner is M/s. Rajalakshmi Paper Mills Limited. The petitioners admittedly were consuming water from the river Amaravathi 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



W.P.No.20938 of 2007

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.

5.Accordingly, the writ petition stands **disposed of**. No costs.

08.03.2023

Index:Yes
Speaking order



W.P.No.20938 of 2007

Neutral Citation:Yes
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