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W.P.Nos.12883 & 12884 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12883 & 12884 of 2008

and

M.P.Nos.1, 1 & 2 of 2008

M/s.Amaravathi Sri Venkatesa Paper Mills Ltd.,
Palani Road,
Swaminathapuram,
Madathukulam – 642 113,
Udumalpet Taluk,
Represented by its Chief Engineer,
Mr.V.Devarajan

...Petitioner
in W.P.No.12883/2008

M/s.Vishnuvardhan Paper Mills Ltd.,
Palani Road,
Swaminathapuram
Madathukulam – 642 113,
Udumalpet Taluk,
Represented by its Chief Engineer,
Mr.V.Devarajan

...Petitioner
in W.P.No.12884/2008

-Vs-

1.The Superintending Engineer,
P.W.D. W.R.O.,
Special Project Circle,
Palani.



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2.The District Collector,
Dindigul.

...Respondents in both W.Ps

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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order bearing No.VaaPaa/VaaA2/Ko.29/General/40/08 dated 21.04.2008 of the 1st respondent and quash the same and direct the 1st respondent to consider the representation of the petitioner for waiver of interest and penal charges in terms of the direction of this Hon'ble Court in the Order dated 28.02.2006 in W.P.No.26358 of 2001 etc.,

For Petitioners : Mr.V.Kalyana Raman for
M/s.Aiyar & Dolia
(in both W.Ps)

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
(in both W.Ps)

COMMON ORDER

The orders of demand to pay the water consumption charges issued by the 1st respondent in proceedings dated 21.04.2008 are under challenge in the present writ petitions.



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2.The petitioners are M/s.Amaravathi Sri Venkatesa Paper Mills

Limited and M/s.Vishnuvardhan Paper Mills Limited respectively. The petitioners admittedly were consuming water from the River Amaravathi for their industrial usage and with reference to the usage of water, the 1st respondent issued orders dated 21.04.2008, demanding the arrears of water charges to be paid by the petitioners.

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 utilized 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 orders of demand, are to be rectified only through the authorities and the High Court in a writ proceedings, cannot conduct a roving inquiry regarding the manner through which the calculations are made and the demand orders are passed.



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4.Thus, the petitioners are 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 petitioners shall not delay the payment of water charges which is statutory in nature.

5.Accordingly, both the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.04.2023

Index:Yes
Speaking order
Neutral Citation:Yes
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To

1.The Superintending Engineer,
P.W.D. W.R.O.,
Special Project Circle,
Palani.

2.The District Collector,
Dindigul.



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S.M.SUBRAMANIAM, J.

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W.P.Nos.12884 & 12885 of 2008

13.04.2023