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W.P.No.32408 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 4.1.2023

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THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.32408 of 2015
and M.P.No.1 & 2 of 2015

Vigneshwara Nagar Kudiyrupor Nala
Sangam-Porur Rep. by its Secretary
Mr.A.Uma Maheswaran

... Petitioner

Vs.

1 The Managing Director
Chennai Metropolitan Water Supply & Sewerage
Board, No.1 Pumping Station Road,
Chintadripet, Chennai-2.

2 The Area Engineer-XI,
Chennai Metropolitan Water Supply & Sewerage
Board, Chintadripet Chennai-2.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari Mandamus, to call for the records pertaining to the demand notice issued by the 2nd respondent dated 23.04.2015 pertaining to area XI of Water Supply charges and quash the same and consequently direct the respondents to adopt the water charges uniformly levy for other areas of Chennai Corporation to the Porur Vigneshwara Nagar Chennai-116.

For Petitioner : Mr.K.M.S.Muthukumaran
For Respondents : Mr.N.Paul Sunder Singh

ORDER



W.P.No.32408 of 2015

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The prayer in the writ petition is to challenge the demand notice issued by the second respondent demanding water charges.

2. This Court in **W.P.Nos.580 to 582 of 2015 dated 23.11.2022** [Udaya Nagar Welfare Association rep. by its President Mr.P.M.Mohan and others Vs. Chennai Metro Water Supply and Sewerage Board rep. by its Managing Director and two others] has already decided the identical issue and held as under:

"10. Vide, G.O.(Ms).No.97, dated 19.07.2011, 42 Urban Local Bodies were merged with Chennai Municipal Corporation with effect from 01.10.2011. Gazette Notification also issued to the effect that all the taxes, fees and duties in respect of water supply and sewage services as levied by the local authority concerned before the date of such extension shall be deemed to have been levied by the Board under the provision of the Act and shall continue to be in force. Besides, Sec.44 of the Act also empowers the Board to levy water supply charges at different rate for different areas.

11. There is a Gazette Notification even at the time of merger to continue to receive the charges fixed by the erstwhile Town Panchayat and the same remain in force till it is revised. The date of merger is of the year 2011. Even now, the said amount is continuing and no revision whatsoever is taken place, after passage of more than 11 years. Therefore, this Court is of the view that when the



W.P.No.32408 of 2015

Gazette notification permits the Corporation to receive the amount and Sec.44 also empowers to fix the different rate, the writ petitioners cannot challenge the same.

12. In such a view of the matter, these writ petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

3. In view of the above, the writ petition stands dismissed. No costs.

Connected miscellaneous petitions are closed.

4.1.2023

Speaking/Non Speaking order

Neutral citation: Yes/No

Index: Yes/No

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To

- 1 The Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1 Pumping Station Road, Chintadripet, Chennai-2.
- 2 The Area Engineer-XI,
Chennai Metropolitan Water Supply & Sewerage Board, Chintadripet Chennai-2.



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W.P.No.32408 of 2015

N.SATHISH KUMAR, J.

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and M.P.No.1 & 2 of 2015

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