



WEB COPY



W.P.No.8277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8277 of 2023

and

WMP No.8472 of 2023

Mr.Krishna Prasad

... Petitioner

-Vs-

1.The Chairman /Managing Director
Chennai Metropolitan
Water Supply and Sewerage Board (CMWSSB)
No.1, Pumping Station Road
Chennai - 2.

2. The Area Engineer/Asst Engineer
Area VIII CMWSSB
Division No. 104
Chennai - 84.

3.Mrs. M.S.A.Sarifa

4. Mrs.M.J.Rahamath Kamila

5.Mrs. M.S. Shireen Meera

6.M.A.Thahirunisa

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to take any coercive action in pursuance of the impugned notice CMWSSB-AREA VIII-D.A.E.23 Depot 104-Building under deviation and change of category notice DATED 02/03/2023 served on the petitioner.



3. When the writ petition was came up for hearing on 16.3.2023, this Court passed the following order:

Mr.N.Paul Sundarsingh, learned Standing Counsel takes notice on behalf of the first respondent/CMWSSB.

2. The impugned notice is with regard to non-payment of development charges of Rs.2,68,200/-.

3. The petitioner admits that he is a tenant of the building and he has not paid the above amount.

4. The petitioner is hereby directed to pay a sum of Rs.2,68,200/- (Rupees Two lakhs sixty eight thousand and two hundred only) within a period of two weeks from today.

5. The petitioner/tenant is at liberty to have arrangement with the owner either for reimbursement or adjustment with the rent. Such payment shall be made within a period of two weeks from today.

6. Post the matter after two weeks.

7. There shall be an order of interim stay till then.

4. The learned counsel for the petitioner submitted that he has paid the entire amount that has been demanded by the CMWSSB. The learned Standing Counsel appearing on behalf of the CMWSS also confirmed this fact.

5. The learned counsel appearing on behalf of the private respondents viz., respondents 3 to 6 submitted that the petitioner had unauthorizedly put up a Floor and as a result, the demand was made by CMWSSB towards development charges. Hence, the private



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respondents are not liable to reimburse the amount that was paid by the petitioner. The learned counsel also vehemently opposed the allegations that have been made by the petitioner as if the private respondents have failed to pay the charges and the burden was put on the petitioner.

6.Per contra, the learned counsel for the petitioner submitted that no additional construction was made by the petitioner and the development charges that were supposed to be paid by the owner was unnecessarily burdened on the petitioner. Hence, the petitioner is entitled for the recovery of the amount paid by him. The learned counsel further submitted that the private respondents have already initiated proceedings before the Competent Civil Court seeking for the eviction of the petitioner and also for damages.

7.In the considered view of this Court, the moment the petitioner has paid the entire charges as per the demand notice, nothing further survives in this writ petition. Insofar as the private dispute between the petitioner and the private respondents, this is not appropriate forum to deal with the same. Both the parties can raise all the contentions before the concerned Court where the litigation is pending. The allegations and counter allegations that were made by the learned counsel appearing on either side in not to be dealt with in this writ petition. The scope of the writ petition is very limited and by virtue of the payment of the entire amount demanded by the first and second respondents, no further issue arises for consideration in this writ petition.



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8. In view of the above, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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N.ANAND VENKATESH, J.

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