



WEB COPY



W.P.No.20494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.20494 of 2023

and

W.M.P.No.19892 of 2023

S.Muthu Sethuraman

... Petitioner

Vs.

1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chennai – 600 002.

2.The Assistant Engineer,
Chennai Metropolitan Water Supply and
Sewerage Board – Part -9,
Panimanai, Chennai.

3.The Special Thasildhar,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Dr.Ranga Road,
Abhiramapuram, Chennai – 600 018.

4.The Depot Manager,
Chennai Metropolitan Water Supply and
Sewerage Board, Part-9,
Panimanai, Chennai.

... Respondents



W.P.No.20494 of 2023

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Demand Cut-off notice CMC.No.0911802154000, CMC.No.0911802155000 and CMC.No.0911802159000 dated 24.06.2023 for Door No.2 and 5/2 Mayor Sundar Rao Road, Teynampet, Chennai – 018 issued by the fourth respondent and quash the same and consequently direct the second respondent to consider the petitioner representation dated 27.06.2023 by furnishing proper accounts with time frame as fixed by this Court.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents : Mrs.V.Vijayalakshmi
Standing Counsel

ORDER

Mrs.V.Vijayalakshmi, learned Senior Standing Counsel takes notice on behalf of the respondents.

2.The petitioner appears to have purchased the property on 24.10.2019. After the property was purchased, the petitioner also appears to have paid the arrears of water charges/water taxes.



W.P.No.20494 of 2023

WEB COPY 3. Although there was some minor arrears to be paid by the petitioner, the petitioner has now challenged the impugned Cut-off notices all dated 24.06.2023 directing the petitioner to pay the following amounts:

<i>Sl.No</i>	<i>CMC No</i>	<i>Amounts</i>
1.	0911802154000	1,80,646/-
2.	0911802155000	57,230/-
3.	0911802159000	1,73,512/-
	Total	4,11,388/-

4. It is the specific case of the petitioner that the demand is contrary to the Regulations inasmuch as, no opportunity was given to him to show cause as to how the aforesaid amount is payable by him.

5. The learned Standing Counsel appearing for the respondents, on the other hand, would submit that the petitioner has only paid the tax, but has not paid the water charges/water tax for 5 years in respect of the Assessments. Hence, there is no merit in the present writ petition.



W.P.No.20494 of 2023

6. That apart, it is submitted that the petitioner has given a reply to the notice dated 27.06.2023 and has filed the present writ petition on 30.06.2023 without giving the respondents enough time to even respond. Hence, it is submitted the reply to the notice is dismissed.

7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

8. The petitioner has not shown that he has paid the arrear amounts that are leviable for the additional water charges/water tax. Considering the above, I am inclined to dispose this writ petition, at the time of admission, by directing the respondents to dispose of the petitioner's representation dated 27.06.2023 within a period of 30 days from the date of receipt of a copy of this order, subject to the petitioner depositing 25% of the total demand in the three assessments, within a period of 15 days from the date of receipt of a copy of this order. Pending such exercise, the proposed disconnection shall be kept in abeyance.



W.P.No.20494 of 2023

WEB COPY

9.This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
Neutral Citation:Yes/No
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To

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C.SARAVANAN, J.

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