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W.P.No.22758 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22758 of 2022 and
W.M.P.Nos.21799 & 21800 of 2022

G.Jayakumar

.. Petitioner

Vs.

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

2.The Senior Accounts Officer XIII,
No.42, First Main Road,
Indira Nagar, Adyar,
Chennai – 600 020.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned cut off notice dated 04.07.2022 passed by the 2nd respondent and the consequential distraint notice dated 22.08.2022 passed by the 2nd respondent and quash the same and consequentially direct the respondents and their officials to restore the sewerage connection pertaining to the petitioner's premises at No.101, Dr.Muthulakshmi Salai, Adyar, Chennai – 600 020.



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For Petitioner : Mr.C.Jagadish

For Respondents : Dr.N.Paul Sunder Singh
Standing Counsel

ORDER

The petitioner has challenged the cut off notice and distraint notice of the 2nd respondent dated 04.07.2022 and 22.08.2022 respectively.

2.According to petitioner, by these notices, arrears of water and sewerage tax has been demanded from the petitioner based on increase in the property tax assessment, which got revised on 31.03.2022. Subsequently, the annual rental value of the property has been reduced from Rs.31,59,555/- to Rs.24,52,588/-.

3.The impugned demand has asked the petitioner to pay the arrears is based on the enhanced annual rental value of Rs.31,59,555/- at Rs.1,10,584/- per half yearly. In the counter affidavit filed by the 2nd respondent before this Court, the respondents in paragraph No.23 have recorded that the half yearly water and sewerage tax has now been revised to Rs.85,841/-. Paragraph No.23 of the counter affidavit reads as under:



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“23.I submit that the petitioner has not paid the water and sewerage tax Rs.85,841/- per half year from 2/2019-20 to 1/2022-23 based on the revised Annual Value of Greater Chennai Corporation and water charges and sewer service charges levied by the Board from 02/2020 – 7/2022 for 30 months based on the built up area in Sq.feet and number of seats available in the theatre as per amended and approved rate of tariff adopted by the Board with effect from 01.12.2018 vide Board Resolution No.132/2018 dated 28.11.2018 (Copy submitted for perusal).”

4.It is submitted by the learned counsel for the petitioner that there are no arrears from the petitioner on the water and sewerage charges based on the revised amount of Rs.85,841/-.

5.The learned Standing Counsel for the respondents would submit that at the time of admission of this Writ Petition, an interim order dated 26.08.2022 was passed by this Court calling upon the petitioner to pay the amount which has not been complied with.

6.A reading of the counter affidavit indicates that there are no arrears of water and sewerage tax as on date from the petitioner.

7.In view of the above, the impugned cut off notice and distraint



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notice of the 2nd respondent dated 04.07.2022 and 22.08.2022 are quashed. However, liberty is given to the respondents to recover any arrears of amount based on the revised calculation of water and sewerage tax at Rs.85,841/-, payable by the petitioner on half yearly basis from the period commencing from the first half of 2023.

8.The Writ Petition stands disposed of with the above observations and liberty. Consequently, the connected Miscellaneous Petitions are closed. No costs.

01.09.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

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C.SARAVANAN, J.



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