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Writ Petition No.24573 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/1/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.24573 of 2022

a n d

W.M.P.No.23544 of 2022

Th.Karunakaran Raju

...

Petitioner

Vs

1. The Area Engineer
Chennai Metropolitan Water Supply
and Sewerage Board
Zone – IX, 1 Dr.Ranga Road
Abiramapuram
Chennai 600 018.

2. Sushmala Yarram Reddy

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus to call for the records relating to the demand letter dated 26/8/2022 in Ltr No.CMWSSB/Area-IX/B & C/CMC/2022 issued by the Area Engineer, Chennai Metropolitan Water Supply and Sewerage Board, Zone IX, 1 Dr.Ranga Road, Abhiramapuram, Chennai 60 018/first respondent and quash the same.



WEB COPY



Writ Petition No.24573 of 2022

For Petitioner ... Mr.R.Vinothkumar
For respondent ... No appearance

ORDER

This writ petition has been filed to quash the demand letter, dated 26/8/2022, in Ltr No.CMWSSB/Area-IX/B & C/CMC/2022, issued by the Area Engineer, Chennai Metropolitan Water Supply and Sewerage Board, Zone IX, 1 Dr.Ranga Road, Abhiramapuram, Chennai 60 018/first respondent.

2. The facts of the case in brief are as follows:-

The petitioner is a tenant in a house, bearing Door No.3B, 5th Street, Nandanam Extension, Chennai, belonged to the second respondent and he was in possession from January 2021. Water tariffs were revised and a digital meter was fixed by the first respondent, so as to measure the exact consumption of the consumer. The tariff schedule reads as follows:-

For “partly commercial”, it is Rs.250/- p.m and for Commercial Consumers, it is Rs.73/- per kilo litre. In other words, for thousand litres, the rate charged by the first respondent is Rs.73/-.



Writ Petition No.24573 of 2022

WEB COPY

3. The petitioner was served with a notice, dated 22/7/2022, whereby, he was called upon to pay a sum of Rs.2,72,000/- being water and sewage charges for the months between December 2020 and June 2022.

4. Shocked by the staggering demand, petitioner has sent a representation dated 7/9/2022, to the first respondent stating that fault meter has been fixed. Since the same has not been answered so far, petitioner has come forward with the present writ petition praying for the relief as stated therein.

5. Heard Mr.R.Vinothkumar, learned counsel for the petitioner.

6. Vide, order, dated 11/1/2023, this Court had directed the first respondent to produce the bills as to the nature of consumption made by the petitioner and also to explain whether the meter was installed by any certified agencies.



7. Today, when the matter is taken up for hearing, there is no representation on behalf of the respondents. They have not produced any of the documents, as sought for on the previous hearing. From the action of the respondents, this Court is of the view that the respondents are not serious in establishing their case. Despite the request made by the petitioner, the respondents have not taken any steps to check the correctness of the meter.

8. The petitioner being the occupant of the building measuring 1200 sq.feet, claimed to have consumed 2 lakhs litre of water per month, which is highly impossible. Even assuming the fact that the petitioner comes under the category “partly commercial”, it is highly unimaginable that a person could consume, such a huge quantity of water, as alleged by the first respondent. In such a view of the matter, this Court is of the view that impugned demand notice which was issued without ensuring the correctness of the meter, is liable to be set aside.

9. Accordingly, this writ petition is allowed and the impugned demand letter, dated 26/8/2022, is set aside. It is open to the respondents to check the meter fixed in the petitioner's premises with the experts in the field and issue a fresh bill, as per law. No costs. Consequently, the connected



Writ Petition No.24573 of 2022

Miscellaneous Petition No.23544 of 2022 is closed.

WEB COPY

30/1/2023

mvs.

Index : Yes / No

Internet: Yes

Speaking/non speaking order

Neutral Citation: Yes/No

To

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Chennai Metropolitan Water Supply
and Sewerage Board
Zone – IX, 1 Dr.Ranga Road
Abiramapuram
Chennai 600 018.

N.SATHISH KUMAR,J



WEB COPY



Writ Petition No.24573 of 2022

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