



W.P.No.26934 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.26934 of 2023

and

W.M.P.No.26684 of 2023

R.Subramaniam

... Petitioner

Vs

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of certiorari, to call for the records in respect of (கடித எண்.செ.கு.வா/பகுதி 5/பணிமனை 054/2023 dated on 09.08.2023 issued by the respondent herein and quash the same.

For Petitioner : Mr.G.Thiyagarajan

For Respondent : Mrs.V.Vijayalakshmi
Standing Counsel



W.P.No.26934 of 2023

WEB COPY

ORDER

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

2. The petitioner has challenged the impugned demand notice dated 09.08.2023 demanded a sum of Rs.3,05,840/- towards water consumption charges and a sum of Rs.9,204/- towards water tax. The petitioner has already issued a legal notice prior to the impugned demand notice dated 09.08.2023 on 22.05.2023, wherein, the petitioner has already questioned the demand towards arrears of water charges at Rs.2,84,170/-. The respondent has replied to the same by a communication dated 21.06.2023, wherein, it has been stated as follows:

“With reference to your letter cited above, it is informed that the your clients property was categorised as partly commercial – MS and the AMR Meter was installed to the property on 23.01.2020 and from the CMWSSB Records it is identified that the payments towards charges are pending from 2021/12 to 2023/05 for an amount of Rs.2,84,912/- inclusive of surcharge. The readings are raised only based on the consumption units. Also, it is informed that the meter is in running state and the increase in readings are due to increase in consumption.



W.P.No.26934 of 2023

Hence, you are requested to instruct your client to pay the charges to the Board at the earliest so as to avoid further levy of surcharge.”

3.The learned Standing Counsel for the respondent would submit that the AMR meter was installed at the premises of the petitioner's property as early as 23.01.2020, the demand for water consumption charges is for the period between December 2021 to May 2023, which remains unpaid by the petitioner.

4.The learned Standing Counsel for the respondent would further submits that the petitioner is running a partially commercial establishments in the premises and therefore on this count also the petitioner was required to pay the arrears of water charges and that as on date the arrears for the aforesaid period came to Rs.3,05,840/-, as mentioned in the demand notice dated 09.08.2023.

5.I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the respondent.



W.P.No.26934 of 2023

WEB COPY

6.Court is inclined to dispose this writ petition by directing the respondent to give the details of water consumption to the petitioner for the aforesaid period between December 2021 to May 2023, within a period of thirty days from the date of receipt of a copy of this order. The petitioner shall however deposit 1/3rd of the aforesaid amount together with arrears of water tax as demanded. The respondents are therefore directed not to precipitate the issue. It is made clear that the petitioner shall pay the aforesaid amount within a period of four weeks. In case, the petitioner fails to pay the aforesaid amount as demanded, it is made clear concession granted to the petitioner by this order shall stand automatically revoked *sine die*.

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

15.09.2023

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



W.P.No.26934 of 2023

WEB COPY

To

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



WEB COPY



W.P.No.26934 of 2023

C.SARAVANAN, J.

jas

W.P.No.26934 of 2023

and

W.M.P.No.26684 of 2023

15.09.2023