



WEB COPY



W.P.No.26065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.26065 of 2023

and

W.M.P.No.25486 of 2023

N.B.Ravindran

... Petitioner

vs.

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

2.The Senior Account Officer,
CMWSSB Area IX,
1, Dr.Ranga Road, Abhiramapuram,
Chennai – 600 018.

3.The Special Tahsildar / Deputy Tahsildar,
CMWSSB Area IX,
1, Dr.Ranga Road, Abhiramapuram,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the Demand Notice dated 13.07.2023 issued by the 3rd



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respondent and quash the same and consequently direct the 1st respondent to restore the Sewerage connection in the premises at No.29 and 31/S3, Arcot Salai, T.Nagar, Chennai – 600 017.

For Petitioner : Mr.D.Selvam

For Respondents : Mrs.V.Vijayalakshmi
Standing Counsel

ORDER

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

2. The petitioner has challenged the impugned Demand Notice dated 13.07.2023 demading a sum of Rs.2,58,844/- towards water tax and sewerage charges.

3. The learned counsel for the petitioner submits that petitioner paid the amount as was demanded from time to time. It is submitted that last week the respondents have come forward and disconnected the water connection and have also blocked the sewerage pipe. It is further submitted that the amount is being demanded without any notice and therefore there is a manifest violation of principles of natural justice.



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4. The learned Standing Counsel for the respondents on the other hand would submit that notice had been served on the petitioner, not only in the portal, but also periodically every week through Whats app. That apart, it is submitted that the Board had passed a Resolution on 16.9.2019, whereby, a decision was taken to increase the tariff for category B. Commercial and category D. Institutional from second half of 2017-2018 and increase the revised tariff was by 10% every year with effect from second half year of 2018-2019.

5. It is further submitted that it is pursuant to the above the charges have been increased which the petitioner has failed to pay the amount. The petitioner has not challenged the resolution before this Court. The petitioner has only challenged the recovery notice. The decision of the Board Resolution dated 16.09.2019 is binding on the petitioner. Therefore, the petitioner is required to pay water tax, enhanced water charges for the facilities given by the respondents.



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6. Therefore, Court is inclined to only grant a partial reprieve to the petitioner by directing the respondents to restore the connection immediately forthwith subject to the petitioner depositing the amount with the respondent. The petitioner shall pay the amount in two instalments. Liberty is also given to the petitioner to challenge the enhancement of tax/charges in the manner known to law. The amount to paid by the petitioner shall be without prejudice to the rights of the petitioner to challenge the enhancement in the manner known to law. In case, the petitioner fails to pay the amount, this order shall stand withdrawn *sine die* without further reference.

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

04.09.2023

Index:Yes/No
Internet:Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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C.SARAVANAN, J.

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