



WEB COPY



W.P.No.26766 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.26766 of 2023

and

W.M.P.Nos.26201 and 26202 of 2023

M.Pradip

... Petitioner

Vs.

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

2.The Depot Engineer,
Zone-V, Division 53,
The Chennai Metropolitan Water Supply & Sewerage Board,
No.1, M.C.Salai, Anna Poonga,
Chennai – 600 021.

3.The Senior Accounts Officer,
Zone-V, Division 53,
The Chennai Metropolitan Water Supply & Sewerage Board,
No.1, M.C.Salai, Anna Poonga,
Chennai – 600 021.

... Respondents



W.P.No.26766 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of certiorari, to call for the records relating to the impugned notice issued by the second respondent dated 28.06.2023 bearing no.364 and the notice dated 21.08.2023 issued by the third respondent bearing Lr.No.CMWSSB/AREA-V/B&C/R1/7613/2023 in respect of CMC No.05/053/00827/000 relating to property situated at No. 1, Chithambaranar Nagar, 5th Street, Washermanpet, Chennai – 600 021.

For Petitioner : Mr.A.R.Karthik Lakshmanan

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 28.06.2023 seeking to recover a sum of Rs.19,10,540/- (consisting of water charges of Rs.18,34,797/- and a surcharge of Rs.20,304/-) being the arrears of water charges between December 2018 and May 2023.

3. The petitioner has attempted to demonstrate that the amounts that have been demanded for some of the months are arbitrary and are impossible of being collected even if it is assumed that petitioner was running a commercial establishment namely a Mansion.



W.P.No.26766 of 2023

WEB COPY

4. The learned Standing Counsel for the respondents on the other hand would submit that the petitioner had suppressed the material facts and has paid the water charges so far at the old rates.

5. It is submitted that a Board Resolution was passed on 19.11.2018, wherein, a decision was taken to enhance the water charges by commercial establishment like the petitioner and thereafter, the petitioner has been informed about the enhancement of water charges based on the actual consumption of water consumed by the petitioner.

6. However, the petitioner has paid only a token amount claiming it to be the amount towards the water consumed by the petitioner.

7. It is submitted that the enhancement came into force with effect from 01.12.2018 and periodically, the petitioner has been informed about the enhancement of water consumption charges.



W.P.No.26766 of 2023

8. It is noticed that petitioner has given two representations dated 08.06.2023 and 19.07.2023.

9. The respondents are directed to consider and dispose the representations of the petitioner on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, subject to the petitioner depositing 1/4th of the water charges.

10. Needless to state, before passing such order, the petitioner shall be heard.

11. This Writ Petition is disposed of with the above observations. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

13.09.2023
(1/2)

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

nsI/arb



W.P.No.26766 of 2023

WEB COPY

To

- 1.The Chairman and Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai – 600 002.
- 2.The Depot Engineer,
Zone-V, Division 53,
The Chennai Metropolitan Water Supply & Sewerage Board,
No.1, M.C.Salai, Anna Poonga,
Chennai – 600 021.
- 3.The Senior Accounts Officer,
Zone-V, Division 53,
The Chennai Metropolitan Water Supply & Sewerage Board,
No.1, M.C.Salai, Anna Poonga,
Chennai – 600 021.



WEB COPY



W.P.No.26766 of 2023

C.SARAVANAN, J.

ns1/arb

W.P.No.26766 of 2023

and

W.M.P.Nos.26201 and 26202 of 2023

13.09.2023
(1/2)