IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.27023 of 2023 and
W.M.P.No.26450 of 2023

K.Prasanna Venkatachalam ... Petitioner

Vs

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

2. Area Engineer,
Area V,
Chennai Metropolitan Water Supply and Sewerage Board,
No. 1, M.C.Road, Royapuram,
Chennai – 600 021.

3. Special Thasildar,
Area V,
Chennai Metropolitan Water Supply and Sewerage Board,
No. 1, M.C.Road, Royapuram,
Chennai – 600 021.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the retrospective demand in Bill No. 05-060-03026-000, from the year December, 2018 shown in online billing and recovery notice dated 25.08.2023 issued by the 3rd respondent in respect of the petitioner's property situated at No. 62(37), Rajaji Salai, Alias North Beach Road, Seethakathi Nagar, Chennai -600 001 and quash the same and consequently direct the respondents to fix the water and sewerage tax and charges and per the original demand.

For Petitioner : Mr.Karthick Srinath
for K.M.Vijayan Associates

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 online billing and recovery notice dated 25.08.2023 issued by the 3rd respondent. By the aforesaid order, the 3rd respondent has asked the petitioner to pay a sum of Rs.1,41,806/- being the arrears of water tax and sewerage charges (inclusive of charges).

3. It is the specific case of the petitioner that the petitioner was paying the amount regularly and the last amount that was charged only at Rs.716/-. However, the respondents have unilaterally enhanced the amount to Rs.2057/- from Rs.716/- from 01.12.2018.

4. The learned Standing Counsel for the respondents on the other hand would submits that the enhancement of water tax and sewerage charges is pursuant to Board Resolution dated 28.11.2018 with effect from 01.12.2018. Thereafter, the petitioner is bound to pay the amount which remains unpaid so far. It is therefore submitted that the respondents are justified in initiating the proceedings to recover the aforesaid amount.

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

6. It is noticed that the petitioner has sent a representation dated 01.08.2023. However, the aforesaid representation has not been disposed of till date.

7. Considering the above, the 3rd respondent is directed to consider the petitioner's representation dated 01.08.2023, subject to the petitioner depositing 25% of the disputed amount within a period of two weeks from the date of receipt of a copy of this order. The respondents shall dispose the same on merits and in accordance with law within a period of four weeks therefrom. Pending disposal of the aforesaid representation of the petitioner, all recovery proceedings shall be kept in abeyance.

8. This writ petition stands disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

14.09.2023

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

To

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C.SARAVANAN, J.

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