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W.P.No.28133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.28133 of 2023

and

W.M.P.Nos.27647, 27648 & 27649 of 2023

Adaikala Marry

... Petitioner

Vs.

1. The Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chindadripet,
Chennai – 600 002.
2. The Deputy Area Manager – 014,
Zone V,
The Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai.
3. The Tahsildar/Deputy Collector,
Zone V,
The Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, M.C.Road, Old Washermenpet,
Chennai – 600 021.



W.P.No.28133 of 2023

4. The Senior Accounts Officer,
Area V,
The Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, M.C.Road, Old Washermenpet,
Chennai – 600 021.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari to call for the records relating to the impugned demand notice Letter No.Se.Ku.Va/Pakuthi 5/ panimanai 058/2023 dated 09.08.2023 issued by the fourth respondent, and notice dated 25.08.2023 issued the third respondent and destraint order dated 08.09.2023 of the third respondent in respect of CMC No.05/058/06558/000 in the premises at No.39, Thiruvengadam Street, Perambur, Chennai and quash the same.

For Petitioner : Mr.Karthick Lakshmanan

For Respondents : Mrs.V.Vijayalakshmi
Standing Counsel

ORDER

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



W.P.No.28133 of 2023

WEB COPY

2. The writ petition is disposed of at the time of admission by directing the third respondent to De-seal the property of the petitioner pursuant to the Impugned Dstraint Order in Form 1 issued under Section 7 of Chennai Metropolitan Water Supply and Sewerage Board Act, 1978 read with Section 8 of the Tamil Nadu Revenue Recovery Act, 1864, subject to the petitioner depositing 1/4th of the amount demanded by the respondents within period of thirty (30) days from the date of receipt of a copy of this order.

3. It is noticed that the petitioner has already given a representation dated 24.08.2023 which has been disposed on 02.09.2023. However, the respondents have not given the particulars of the units of consumption by the petitioner. The details of the total consumption of 7,269 Kilo Litre by the petitioner during the period in dispute was based on the reading in the Digital Meter.

4. Therefore, the respondents are directed to pass a fresh order after giving particulars of the unit consumed by the petitioner month to month basis for the period in dispute. This exercise shall be carried out by the



W.P.No.28133 of 2023

respondents within a period of three (3) months from the date of receipt of a copy of this order.

5. The Impugned Dstraint Order shall stand revived and the property of the petitioner shall be re-sealed immediately, if the petitioner fails to deposit 1/4th of the amount demanded by the respondents as ordered.

6. The writ petition stands disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2023
(1/2)

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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WEB COPY



W.P.No.28133 of 2023

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C.SARAVANAN, J.

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