



WEB COPY



W.P.No.8045 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8045 of 2018
W.M.P.Nos.10027 & 11344 of 2018

Shanthi @ Shanthalakshmi

...Petitioner

-Vs-

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

2. The Senior Accounts Officer,
Chennai Metropolitan Water Supply
and Sewerage Board/Area IX
No.1, Dr. Ranga Road,
Abiramapuram,
Chennai – 600 018.

3. S.Khader Mohideen

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 herein to restore the water charges/taxes and sewerage charges assessment in the name of original assess T.N.Kanniappan and six others in CMC Bill No.09/123/10029/000 (Old No.CMC No.08/115/014110000000) dated 30.09.2014 in respect of the petitioner's house



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property Door No.22/98, Thiruvalluvar Salai, Teynampet, Chennai – 600 018.

For Petitioner : Mr.P.Krishnaswamy
For Respondents
For R1 & R2 : Mr.N.Srinivasan
For R3 : Mr.N.A.Nissar Ahmed,
Senior Counsel
For Mr.I.Kowser Nissar

ORDER

This writ petition has been filed for direction directing the respondents 1 & 2 herein to restore the water charges/taxes and sewerage charges assessment in the name of original assessee T.N.Kanniappan and six others in respect of the house property bearing Door No.22/98, Thiruvalluvar Salai, Teynampet, Chennai – 600 018, by cancelling the assessment stands in the name of the third respondent herein.

2. The petitioner's father-in-law owned house property at Door No.22/98, Thiruvalluvar Salai, Teynampet, Chennai – 600 018. The petitioner's father-in-law had one son and five daughters. After his demise, the property devolved upon the petitioner's husband. Therefore, the daughters filed suit for partition in C.S.No.928 of 2002 before this Court as against the petitioner's husband. While being so, the third respondent created an agreement for sale by forging the signature of her



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husband in respect of the subject property and filed a suit for specific performance in O.S.No.12848 of 2010 before the VI Additional City Civil Court, Chennai. While pending the suit, the petitioner's husband died on 22.10.2010, leaving behind the petitioner and his sons and daughters as his legal heirs. Subsequently, the petitioner and other legal heirs brought on record on the said suit and it is pending.

3. While the said suit was pending, the house tax and water supply and sewerage charge assessment has been transferred in the name of the third respondent. Therefore, the petitioner submitted so many representations to restore those assessments in the name of the legal heirs of the deceased father-in-law and it was not considered so far. Subsequently, the suit filed by the third respondent was dismissed by the judgment and decree dated 17.12.2023. Hence, the petitioner filed the present writ petition with the above prayer.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. On perusal of records revealed that after demise of the petitioner's father-in-law, the title over the subject property was



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transferred to his legal heirs viz., the petitioner's husband and other sisters. Further the partition suit filed by the petitioner's sisters-in-law was dismissed since, the petitioner's sisters-in-law were settled by mediation and as such they were given up their rights in favour of the petitioner's husband. In the mean time, the sisters-in-law of the petitioner had executed two sale deeds in favour of the third respondent in respect of their 5/6th share in the subject property vide document Nos.683 & 937 of 2008. Therefore, the petitioner filed suit challenging the sale deeds in O.S.No.5244 of 2013 for declaration declaring that the sale deeds executed in favour of the third respondent in respect of 5/6th shares by her sisters-in-law as null and void. The said suit was also dismissed. Now the petitioner as well as the third respondent filed appeal suits and the same are pending.

6. The main contention of the petitioner is that after having been received shares by her sisters-in-law, they had executed sale deed in favour of the third respondent in respect of their 5/6th share in the subject property. However, the third respondent filed suit for specific performance in respect of the entire extend of the property as against the petitioner's husband. Therefore, at any cost the property assessment,



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water and sewerage connection cannot be permitted to stand in the name of the third respondent.

7. Therefore, the respondents 1 & 2 are directed to transfer the name of the subject property's tax assessment and water and sewerage charge assessment in the name of the legal heirs of the deceased father-in-law of the petitioner, within a period of two weeks from the date of receipt of a copy of this Order. It is also made clear that the transfer of tax assessment in respect of the property, subject to the results of the appeal suits filed by the petitioner as well as the third respondent.

8. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are also closed. There shall be no order as to costs.

19.09.2024

Speaking/Non Speaking order
Neutral Citation : Yes/No
rts

G.K.ILANTHIRAIYAN. J.

rts

To



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