



W.P.No.3630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

Writ Petition No.3630 of 2024
and W.M.P.Nos.3919 to 3921 of 2024

Mr.J.Madanagopal Rao,
Chairman,
Madras Egmore Lions Blood Bank
and Research Foundation,
Door No.130, Marshall Road,
Egmore, Chennai-600 083.

... Petitioner

-VS-

1.The Assistant Executive Engineer,
Chennai Metro Water Board,
Zone-5, Kengureddy Road,
Egmore, Chennai-600 008.

2.The Chennai Metropolitan Water Supply and
Sewerage Board, Head Office, No.1,
Pumping Station Road,
Chintadripet, Chennai-600 002.

3.The Senior Accounts Officer-V,
CMWSSB/Area-V,
No.1, M.C.Road, Old Washermenpet,
Chennai-600 021.

... Respondents



W.P.No.3630 of 2024

PRAAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records on the file of 1st respondent dated 24.01.2024 in Letter No.Chennai Metro Water/Division 5/Depot30/2024 and quash the same consequently forbear the respondents from in any way either disconnecting the Metro Water and Sewerage Connection or in any way interfering with the petitioner's usage of Metro Water and Sewerage System connection given to the premises No.130, Rukmani Lakshmipathy Salai, Pudupet, Chennai-600 002.

For Petitioner : Mrs.Selvi George
for Mr.E.Martin Jayakumar

For Respondents : Dr.N.Paul Sunder Singh,
Standing Counsel (CMWSSB)

ORDER

The petitioner challenges the demand notice dated 24.01.2024 by which the owner of the property was called upon to pay an aggregate sum of Rs.5,04,135/-.



W.P.No.3630 of 2024

2. The petitioner asserts that he is the Chairman of a trust which runs a blood bank. Although charitable activities are undertaken at the relevant premises, the petitioner states that an exorbitant demand has been made by categorising the property as commercial.

3. Learned counsel for the petitioner referred to the water charges card and pointed out that amounts due and payable were duly remitted until the COVID-19 pandemic occurred. By also referring to the receipt at page no.64 of the typed set of papers, learned counsel submits that payments were made even thereafter up to February 2021. By reiterating that the petitioner carries on charitable activities, learned counsel submits that the disconnection of the water connection has caused grave prejudice to the petitioner.

4. Dr.N.Paul Sunder Singh, learned standing counsel (CMWSSB), accepts notice on behalf of the respondents. By inviting my attention to the receipt at page no.64 of the typed set of papers, learned standing counsel points out that the property was categorised as commercial with effect from



W.P.No.3630 of 2024

March 2007. Therefore, he contends that it is not open to the petitioner to challenge the demand notice on the ground that the commercial tariff is being applied. By referring to the communication dated 11.09.2023, he submits that the petitioner was informed that an automated meter was installed in the premises and that the demand is based on the reading recorded in such meter and such reading, in turn, depended on consumption during the relevant month. He further submits that the petitioner should pay the entire amount demanded under the impugned notice if the petitioner wants the connection restored.

5. From the receipt placed on record, it is clear that the property was categorised under commercial category in the year 2007. The communication of 11.09.2023 records that the tariff was revised pursuant to Resolution No.132/2018 with effect from 01.12.2018. The said communication also refers to the installation of an automated meter and that readings have been recorded digitally. In these circumstances, no case is made out to interfere with the impugned notice.

6. However, if the petitioner, who is the occupant of the premises,



W.P.No.3630 of 2024

requires that the water supply be restored, it is open to the petitioner to pay the amounts demanded and, thereafter, seek restoration of supply. If the petitioner remits the payment demanded under the impugned notice, the respondents are directed to restore water supply within a maximum period of 48 hours from the date of receipt of such payment. It is also open to the petitioner to submit a representation as regards the categorisation of the service connection as commercial.

7. W.P.No.3630 of 2024 is disposed of on the above terms without any order as to costs. Consequently, connected miscellaneous petitions are closed.

16.02.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No

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W.P.No.3630 of 2024

SENTHILKUMAR RAMAMOORTHY,J.

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To

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Chennai Metro Water Board,
Zone-5, Kengureddy Road,
Egmore, Chennai-600 008.

2.The Chennai Metropolitan Water Supply and
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6/6