



WEB COPY



W.A.No.1044 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.1044 of 2024 and C.M.P.No.7516 of 2024

J.Madanagopal Rao
Chairman
Madras Egmore Lions Blood Bank
and Research Foundation
Door No.130, Marshall Road
Egmore, Chennai – 600 008

Appellant

v

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



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Writ Appeal filed under Clause 15 of the Letters Patent praying to set

aside the order dated 16.02.2024 passed in W.P.No.3630 of 2024.

For appellant Mr.E.Martin Jayakumar
For respondents Dr.N.Paul Sunder Singh
 Standing Counsel

JUDGMENT

[delivered by R.MAHADEVAN, J.]

The appellant, who is the Chairman of Madras Egmore Lions Blood Bank and Research Foundation, has taken on rent, the premises owned by Sudha Umashankar. The nature of activity undertaken by the appellant institution need not be expatiated as it is very much discernible from the name of the institution itself.

2. Be that as it may, the first respondent issued a notice dated 24.01.2024 requiring the owner of the premises to pay arrears of water tax and surcharge therefor, totally working out to Rs.5,04,135/-. The said notice was put to challenge in a writ petition being W.P. No.3630 of 2024, in which, a learned Judge, *vide* order dated 16.02.2024, upheld the impugned



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notice and *inter alia* observed that it is open to the appellant to pay the amount and thereafter, seek restoration of water supply. The said order of the learned Judge is put to challenge in this writ appeal by the writ petitioner.

3. According to the learned counsel for the appellant, notwithstanding the nature of activity carried out by the appellant, the property has been categorized as “commercial”, that too, without affording an opportunity of hearing to the appellant, and an exorbitant demand of water tax arrears and surcharge has been made based on such categorization.

4. On the above submission, we have heard the learned standing counsel taking notice for the respondents.

5. Given the nature of laudable activity carried out by the appellant institution for the last two and a half decades and considering the fact that it has been prompt in making payment of water tax and other charges to the respondent Board, to meet the ends of justice, the order dated 16.02.2024 passed by the learned Judge stands modified to the effect that the



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appellant shall pay 50% of the total demand, upon which payment, water supply shall be restored by the respondent Board, forthwith.

6. Modifying the order dated 16.02.2024 of the learned Judge only to the limited extent indicated above, the rest of the order stands confirmed and this writ appeal stands disposed of accordingly, sans costs. Connected miscellaneous petition is closed.

[R.M.D., J.] [M.S.Q., J.]
28.03.2024

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No
nsd/cad

To

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and

MOHAMMED SHAFFIQ, J.

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