



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.29007 of 2014  
and  
W.M.P.Nos.1 & 2 of 2014

Jayabharathi Nagar Residents' Welfare Association  
Represented by its President Mr.E.Chengan,  
Having its Office at Plot No.43, Main Road,  
Jayabharathi Nagar,  
Porur,  
Chennai – 600 116.

.. Petitioner

Vs.

1.The Managing Director  
Chennai Metropolitan Water Supply and Sewerage Board,  
No.1 Pumping Station Road,  
Chintadripet,  
Chennai – 600 002.

2.The Area Engineer – XI,  
Chennai Metropolitan Water Supply and Sewerage Board,  
Chintadripet,  
Chennai – 600 087.

..

Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Certiorarified Mandamus, to call for the records



pertaining to the demand notice issued by the 2<sup>nd</sup> respondent dated 25.08.2014 pertaining to Area XI of Porur Water Supply Charges and quash the same and consequentially direct the respondents to adopt the water charges uniformly levy for other areas of Chennai Corporation to the Porur Jayabharathi Nagar, Porur, Chennai – 600 116.

For Petitioner .. No appearance

For R1 & R2 .. Mr.N.Paul Sunder Singh

### ORDER

This Writ Petition has been filed in a nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the demand notice issued by the 2<sup>nd</sup> respondent dated 25.08.2014 pertaining to Area XI of Porur Water Supply Charges and to quash the same and consequently direct the respondents to adopt the water charges uniformly levy for other areas of Chennai Corporation to the Porur Jayabharathi Nagar, Porur, Chennai – 600 116.

2.The learned counsel for the petitioner is not present. But however, he was also the counsel in another similar writ petition in ***W.P.No.34557 of 2014, Sriram Nagar Kudiyirupor Pothu Nala Sangam – Porur Vs. the***



**Managing Director, Chennai Metropolitan Water Supply and Sewerage**

**Board and another**, in which, final orders were passed on 17.10.2022. It is therefore natural that the learned counsel had not appeared before this Court today.

3.A learned Single Judge, in that particular writ petition, which also deals with the same issue about merger of 42 Urban Local Bodies with the Chennai Municipal Corporation and levying of taxes, fees and duties had upheld the charges for water supply and sewage services at Rs.150/- though a ground was raised that Greater Chennai Corporation should levy it at the rate which the Corporation levies for the existing residents. The learned Single Judge had also held as follows:

*“9.The 42 Urban Local Bodies were merged with the Chennai Municipal Corporation vide G.O.(Ms).No.97 dated 19.07.2011 with effect from 01.10.2011. Gazette notification also issued to the effect that all the taxes, fees and duties in respect of water supply and sewage services as levied by the local authority concerned before the date of the such extension shall be deemed to have been levied by the Board under the*



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*provision of the Act and shall continue to be in force accordingly, until such taxes, fees and duties are revised, cancelled or suspended by anything done on any action taken under this Act. Besides Sec.44 of the Act also empowers Board to levy water supply charges at different rate for different areas.*

*10. When there is a Gazette notification even at the time of merger to continue to receive the charges fixed by the erstwhile Town Panchayat and the same remain in force till it is revised. The date of merger is of the year 01.10.2011, even now the said amount is continuing and no revision whatsoever is taken place even after passage of more than 11 years.*

*11. Therefore, this Court is of the view that when the Gazette notification permits the Corporation to receive the amount and Sec.44 also empowers to fix the different rate, the Writ petitioner cannot challenge the same. Even now there is no revision, the same amount of Rs.150/- is collected.”*

4. The learned counsel for the respondents had also forwarded a copy of the Tamil Nadu Government Gazette Extraordinary published on 23.02.2012 wherein, it had been gazetted as follows:

*“2. To section 87 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978, the following proviso shall be added, namely:-*



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*“Provided that all taxes, fees and duties, in respect of water supply and sewerage services as levied by the local authority concerned before the date of the such extension, shall be deemed to have been levied by the Board under the provisions of this Act and shall continue to be in force accordingly, until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.”*

5.The learned Single Judge in the earlier writ petition had also taken notice of such publication in the gazette and had passed the aforementioned order. The same order also accrues to the writ petitioner. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

05.11.2024

Index:Yes/No  
Internet:Yes/No  
smv

To

1.The Managing Director  
Chennai Metropolitan Water Supply and Sewerage Board,  
No.1 Pumping Station Road,



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Chintadripet,  
Chennai – 600 002.

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**C.V.KARTHIKEYAN,J.**

smv

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