



W.P.No.25846 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.25846 of 2021

and

W.M.P.No.27329 of 2021

Mohamed Sathak Trust

(Reg.No.336 of 1973),

Represented by its Chairman and its

Authorised Signatory

S.M.Mohamed Yusuf

... Petitioner

Vs.

1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 031.

2.The Special Tahsildar,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
Area-XV,
Kalignar Karunanidhi Salai,
Sholinganallur, Chennai – 600 109.

... Respondents

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



W.P.No.25846 of 2021

second respondent proceeding No.CMWSSB/Area-XV/B&C/SPL/2021 dated 13.10.2021, quash the same and to direct the first and second respondents herein to provide water and sewerage connection to the college premises run by the petitioner's Trust and to desist from demanding or issuing any proceedings for levying for water and sewerage tax without providing such connections to the petitioner's properties.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.N.Paul Sunder Singh

ORDER

In this writ petition, the petitioner has challenged the impugned communication dated 13.10.2021 bearing proceeding No.CMWSSB/Area-XV/B&C/SPL/2021 and the demands vide challans dated 21.09.2021 wherein, the tax has been demanded from the petitioner starting from second half of 2017 together with arrears for a sum of Rs.10,39,688/-.

2. Learned counsel for the petitioner would submit that the petitioner is a charitable institution and that no water/sewerage connection has been provided and therefore, the impugned demand of water and sewerage tax from the petitioner is unjust and unwarranted. Alternatively, the learned counsel for the



W.P.No.25846 of 2021

petitioner would submit that the petitioner may be given sufficient time to remit the same.

3. Having considered the submissions made by the learned counsel for the petitioner and having perused the counter affidavit filed by the respondents, I am of the view, the challenge to the impugned communication and challans are without any merits and therefore, the writ petition is liable to be dismissed. However, considering the fact that the petitioner appears to be carrying several activities and that the petitioner is not averse to pay the amount, Court is inclined to grant further time to the petitioner to pay the amount as demanded in the impugned communication dated 13.10.2021 and Challans dated 21.09.2021.

4. Under these circumstances, the petitioner is directed to pay the amount within a period of eight weeks from the date of receipt of a copy of this order.

5. Needless to state, the payment to be made by the petitioner shall be without prejudice to the rights of the petitioner to challenge the demand in the manner known to law before the appropriate forum.



W.P.No.25846 of 2021

6. This Writ Petition is disposed of with the above observations. No costs. Connected Writ Miscellaneous Petition is closed.

19.08.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

arb

To

1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 031.

2.The Special Tahsildar,
Chennai Metropolitan Water Supply and
Sewerage Board (CMWSSB),
Area-XV,
Kalignar Karunanidhi Salai,
Sholinganallur, Chennai – 600 109.

C.SARAVANAN, J.



WEB COPY



W.P.No.25846 of 2021

arb

W.P.No.25846 of 2021
and
W.M.P.No.27329 of 2021

19.08.2024