



W.P.No.26911 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.26911 of 2022

and

W.M.P.Nos.26115 and 26116 of 2022

N.Mahes Kumar

S/o. Late Nainmull Jain

... Petitioner

Vs.

- 1.The Managing Director,
CMWSSB,
Door No.75, Santhome High Road,
Chennai – 600 028.
- 2.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai – 600 009.
- 3.The Executive Director,
CMWSSB,
Door No.75, Santhome High Road,
Chennai – 600 028.
- 4.The Superintending Engineer (North East),
Area-IV, V & VI,
CMWSSB,
Door No.75, Santhome High Road,
Chennai – 600 028.



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5.The Area Engineer,
Area V,
CMWSSB,
No.1, M.C.Road,
Royapuram, Chennai – 600 021.

6.The Senior Accounts Officer,
Area V,
CMWSSB,
No.1, M.C.Road,
Royapuram, Chennai – 600 021.

7.The Assistant Engineer,
Division 54,
CMWSSB,
Amman Koil Street,
Kondithope, Chennai.

8.The Depot Manager,
Division 54,
CMWSSB,
Amman Koil Street,
Kondithope, Chennai.

9.The Special Tahsildar (R & R Act),
Area V,
Chennai Metropolitan Water Supply &
Sewerage Board,
Chennai – 600 002.

... 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 entire
records on the file of the 9th respondent Demand Notice dated 22.09.2022



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for CMC No.05/054/02345/000 in so far for the months of May 2021 to May 2022 and quash the same as illegal, incompetent and ultravires and consequential direct the respondents to restore the petitioner's monthly metro water flat rate charges for the CMC No.05/054/02345/000.

For Petitioner : Ms.Vigneshwari
for Mr.M.Guruprasad

For Respondents :
For R1 and R3 to R9 : Mr.Paul Sunder Singh
Standing Counsel

For R2 : Mr.P.Balathandayutham
Special Government Pleader

ORDER

In this Writ Petition, the petitioner has challenged the Impugned Demand Notice dated 22.09.2022 for the petitioner's CMC No.05/054/02345/000.

2. By the Impugned Demand Notice, a sum of Rs.94,842/- has been demanded towards water tax and water charges amounting to Rs.7,111/- + Rs.87,731/- (Rs.94,842/-).



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3. The case of the petitioner is that the water charges have been unilaterally increased every month and that the petitioner has also been subjected to water charges during the period when the Country was under continuous and intermittent lockdown.

4. It is submitted that during the aforesaid period, there was no water supply and the petitioner relied on water from the borewell.

5. On the other hand, the learned Standing Counsel for the first, third to ninth respondents would submit that the amount have been demanded from the petitioner based on the meter reading which was installed at the petitioner's premises from April 2021.

6. It is submitted that two owners are using same water connection and the amount has been charged on the water quantity consumed which is on the basis of reading recorded in the meter installed in the premises of the petitioner and the amount has to be paid under Section 47(1) of the Chennai Metropolitan Water Supply and Sewerage Act, 1978.



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7. There are several disputed questions of fact. *Prima facie*, the demand has been made on the petitioner based on the reading in the meter installed at the premises of the petitioner.

8. The petitioner has an alternate remedy by giving a representation before the respondent to reconsider their demand.

9. Under these circumstances, this Writ Petition is disposed by permitting the petitioner to give a proper representation to the respondent who shall thereafter consider and pass a speaking order.

10. Pending such exercise, the respondent shall keep all the recovery proceedings in abeyance.

11. It is expected that the petitioner will give a proper representation to the respondent within a period of 30 days from the date of receipt of a copy of this order. The respondent shall thereafter pass a final order on merits after hearing the petitioner within a period of 2 months thereafter.



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12. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes / No

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To

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