



WEB COPY



W.P.No.34265 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.02.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition No.34265 of 2022
and W.M.P.No.33710 of 2022

M/s.K.A.R. Holdings Private Limited,
Represented by its Director,
66(64), Cathedral Road,
Teynampet, Chennai-600 068.

... Petitioner

-VS-

1.The State of the Tamil Nadu,
Represented by its Additional Chief
Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

3.The Regional Deputy Commissioner,
Corporation of Chennai,
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.



W.P.No.34265 of 2022

4.The Chennai Metropolitan Water Supply and
Sewerage Board, Represented by its Chairman
No.1, Pumping station road,
Chintadripet, Chennai-600 031.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the G.O.Ms.No.53, Municipal Administration and Water Supply (MA.IV) Department, dated 30.03.2022 issued by the 1st respondent and consequential notification of the 2nd respondent published in the Tamil Nadu Government Gazette in Part III Section 2 dated 11.04.2022 followed by the 2nd respondent vide General Revision Notice No.11/1/22-23/473081 dated 15.06.2022 in respect of the petitioner's property bearing assessment No.Old No.09-118-01113-000, New No.09-118-001113-000 and the consequential revision of sewerage tax and charges under Section 34 of the Chennai Metropolitan Water Supply and Sewerage Act, 19 by the 4th respondent Board, as ultra vires to Article 243I, 243Q, 243X, 243Y(a)(ii), 243ZF & 265 of the Constitution of India and Sections 98, 98A, 37, 38 read with Schedule IV of the Chennai City Municipal Corporation Act, 1919.

For Petitioner : Mr.R.Saravanakumar

For R1 : Mr. P.Balathandayutham, SPL.G.P.

For R2 & R3 : Mr.E.C.Ramesh

For R4 : Mr.N.Paul Sunder Singh



W.P.No.34265 of 2022

ORDER

WEB COPY

By this writ petition, the petitioner seeks a declaration that G.O.Ms.No.53, Municipal Administration and Water Supply (MA.IV) Department, dated 30.03.2022 and the consequential Notification dated 11.04.2022 are ultra vires the Constitution and certain provisions of the Chennai City Municipal Corporation Act, 1919. By order dated 23.12.2022, in a batch of writ petitions in W.P.No.18534 of 2022 batch, wherein lead case was *K.Balasubramaniam v. the Commissioner, Greater Chennai Corporation and others*, this Court rejected the challenge to the above mentioned Government Order and Gazette Notification. The said decision applies squarely to the present case. Therefore, W.P.No.34265 of 2022 is dismissed by following the above mentioned judgment. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.02.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

kj



WEB COPY



W.P.No.34265 of 2022

SENTHILKUMAR RAMAMOORTHY,J

kj

To

1.The State of the Tamil Nadu,
Represented by its Additional Chief
Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

3.The Regional Deputy Commissioner,
Corporation of Chennai,
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.

Writ Petition No.34265 of 2022
and W.M.P.No.33710 of 2022

4.The Chennai Metropolitan Water Supply and
Sewerage Board, Represented by its Chairman
No.1, Pumping station road,
Chintadripet, Chennai-600 031.

09.02.2024