



W.P(MD)No.3777 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.3777 of 2018

and

W.M.P(MD)Nos.3908, 3909 & 15784 of 2018

Urumu Dhananlakshmi College Council,
Represented by its Secretary,
Pappakurichi Village,
Kattur
Tiruchirappalli – 620 019.

... Petitioner

Vs

1.Tiruchirappalli Corporation,
Represented by its Commissioner,
Tiruchirappalli.

2.Tamil Water Supply and Drainage Board,
Represented by its Managing Director,
TWAD House,
No.31, Kamarajar Salai,
Chepauk,
Chennai – 600 005.

3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Maintenance Division,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned orders passed by the third respondent in Lr.No.F.Water Tariff/CWSS to Thiruverumbur/A2/2017 dated 17.11.2017 and Lr.No.F.Water Tariff/CWSS to



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Thiruverumbur/A2/2017 dated 15.12.2017 quash the same and direct the respondents 2 and 3 to collect water charges from the petitioner as fixed by the first respondent Corporation.

For Petitioner : Mr.R.Subramanian

For R – 1 : Mr.J.Sriprasad
for M/s.R.B.Associates

For RR 2 & 3 : Mr.B.Vijay Karthikeyan

ORDER

This Writ Petition has been filed by the petitioner challenging the orders dated 17.11.2017 and 15.12.2017 passed by the third respondent, thereby revised the water tariff as Rs.125/- per kilo liter.

2.The petitioner is a registered Society and established an Arts and Science College in the name of 'Urumu Dhanalakshmi College' at Kattur, Trichy. It is an aided non-minority College. The Government is aiding the teachers grant. While being so, in the year 1982, the students started agitations complaining that the water supplied by the petitioner was in very poor quality and not palatable. At that time, Kattur was a Panchayat and as such, the District Collector, Trichy directed the second respondent to provide



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drinking water. Accordingly, the respondents 2 and 3 laid a separate pipeline and provided drinking water. In the year 2011, Kattur merged with Trichy City Municipal Corporation. While being so, the second respondent revised the water tariff and issued a communication dated 17.11.2017 through the third respondent.

3.The learned counsel appearing for the petitioner would submit that once the place of the petitioner has been annexed with Trichy City Municipal Corporation, as per Section 194 of the City Municipal Corporation Act, all public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works connected with supply of water to the City whether made at the cost of the Corporation or otherwise, shall vest with the Corporation. Therefore, the first respondent alone can levy charges for the usage of water. In fact, in the very same location, another aided educational institution in the name of St. Joseph's College is situated within the jurisdiction of the first respondent and charging only a sum of Rs.4140/- as half-yearly water charges. Therefore, there is no equality and it is a clear violation of Article 14 of the Constitution of India. Further, the learned counsel contended that the petitioner is receiving a grant from the Government and as



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such, it cannot be treated as a Private Institution. In support of his contention, he relied upon the Judgment of the Honourable Division Bench of this Court in ***Prem Chand Somchand Shah and another Vs. Union of India and another*** reported in **(1991) 2 SCC 48**, wherein it is held as follows:

'8.As regards the right to equality guaranteed under [Article 14](#) the position is well settled that the said right ensures equality amongst equals and its aim is to protect persons similarly placed against discriminatory treatment. It means that all persons similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed. Conversely discrimination may result if persons dissimilarly situate are treated equally. Even amongst persons similarly situate differential treatment would be permissible between one class and the other. In that event it is necessary that the differential treatment should be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and that differential must have a rational relation to the object sought to be achieved by the statute in question.'



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4.He also relied upon the Judgment of the Honourable Supreme Court of India in ***State of Uttar Pradesh Vs. Dayanand Chakrawarthy and others*** reported in **(2013) 7 SCC 595**, wherein it is held as follows:

'33.As per decision of this Court in [Prem Chand Somchand Shah](#) Vs. Union of India reported in 12 (1991) 2 SCC 48 even amongst persons similarly situated differential treatment would be permissible between one class and the other. In that event it is necessary that the differential treatment should be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and that differentia must have a rational relation to the object sought to be achieved by the statute. The appellants, the Nigam as well as the State of Uttar Pradesh failed to place on record the reasons for differential treatment which distinguishes employees of erstwhile LSGED and those who were appointed directly in the Nigam.'

5.The respondents 2 and 3 filed a counter-affidavit and on the submissions made by Mr.B.Vijay Karthikeyan, learned counsel appearing for the respondents 2 and 3 would reveal that the area of Kattur has been annexed with Trichy City Municipal Corporation, the



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respondents 2 and 3 are providing drinking water to the areas such as Papakurchi – Kattur, Ellakudi, Alathur, Keelakalkandarkottai and Thiruverumbur under the new scheme and the petitioner is getting water. In fact, the petitioner failed to pay the proportionate cost under the new scheme. After implementing the new scheme, the tariff rate has been revised from Rs.10.50/- per kilo liter to Rs.15/- per kilo liter vide G.O.Ms.No.136, dated 03.10.2002. In the year 2004, in respect of the private beneficiaries who have not remitted the proportionate cost of water supply, the tariff was uniformly revised from Rs.15/- to Rs.30/- per kilo liter vide G.O.Ms.338, dated 18.10.2004. However, thereafter, till 2017 there was no revision in respect of the water tariff. Therefore, the water tariff was revised from Rs.30/- per kilo liter to Rs.125/- per kilo liter vide B.P.Ms.No. 88, (Operation and Maintenance Wing), dated 08.11.2017. Accordingly, the water tariff for the petitioner was revised and a communication was issued to the petitioner.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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8. In view of the interim order passed by this Court on 23.02.2018, the petitioner is now paying 50% of the revised water tax as per B.P.Ms.No.88 (Operation and Maintenance Wing), dated 08.11.2017. Therefore, there is absolutely no violation of equality or disparity between the petitioner College and other private institutions. There is no differential treatment between the petitioner College and other private colleges and as such, there is no violation of Article 14 of the Constitution of India. Hence, the Judgments relied upon by the petitioner are not applicable to the case on hand. In fact, in order to provide water, the respondents 2 and 3 had installed separate pipelines under the scheme and provided water to the petitioner. Accordingly, the water charge has been revised and informed to the petitioner. In view of the above, this Court finds no infirmity or illegality in the orders dated 17.11.2017 and 15.12.2017 passed by the third respondent and the Writ Petition is liable to be dismissed.

9. Accordingly, this Writ Petition is dismissed. However, the respondents are at liberty to raise demand as per the Board Proceedings in B.P.Ms.No.88 (Operation and Maintenance Wing), dated 08.11.2017 and the subsequent revision of water charge in



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B.P.Ms.No.218 (Operation and Maintenance Wing) dated 25.09.2023. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli.
- 2.Managing Director,
Tamil Water Supply and Drainage Board,
TWAD House,
No.31, Kamarajar Salai,
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G.K.ILANTHIRAIYAN, J.

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