



W.P.No.7125 of 2024
and W.M.P.No.7976 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.7125 of 2024
and W.M.P.No.7976 of 2024

S.Vanitha Kumari,
W/o.R.Senthil Kumar,
Managing Director of
M/s.SRK Restaurant Pvt Ltd.,
No.16,1/7, Bazar Road,
Mogappair East, Chennai - 600 037.

...Petitioner

Versus

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

2.The Assistant Engineer,
Chennai Metropolitan Water Supply,
and Sewerage Board, (CMWSSB),
Part-7, Workshop-93, Chennai -600 037.

3.T.Wilson Thomas,
No.1, Padma Street, VGN Avenue,
Phase-II, ERI Scheme, Mogappair East,
Chennai – 600 037.

...Respondent



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[R3 impleaded as per the order dated
12.11.2024 in W.M.P.No.12826/2024 in
W.P.No.7125/2024]

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorari, calling for the records and quashing the impugned demand notice dated 04.03.2024 vide letter No.Se.Ku.Vaa/Part-7/Workshop-93/2023 of the 2nd respondent claiming an amount of Rs.15,23,979/- towards water charges against the petitioner.

For Petitioner	:	Mr.Ravi Anantha Padmanabhan Senior Counsel for Mr.Thirumalai B
For R1 & R2	:	Mrs.V.Vijayalakshmi Standing Counsel
For R3	:	Mr.S.Sarath Kumar

ORDER

This writ petition has been filed by the petitioner seeking to call for the records and quashing the impugned demand notice dated 04.03.2024 vide letter No.Se.Ku.Vaa/Part-7/Workshop-93/2023 of the 2nd respondent claiming an amount of Rs.15,23,979/- towards water charges against the petitioner.



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2.Learned Senior Counsel appearing for the petitioner would submit that in the present case, the petitioner is the tenant of the 3rd respondent. As per the tenancy agreement, the petitioner/tenant is liable to pay water charges and tax. Earlier the 2nd respondent issued the demand notice dated 05.09.2023, claiming an arrear of Rs.13,71,306/- towards water charges. Challenging the said demand notice, the petitioner filed W.P.No.27225 of 2023 on the ground that without providing any opportunity, the demand notice dated 05.09.2023 has been issued. This Court vide order dated 15.09.2023, directed the petitioner to deposit 10% of the demand made in the notice dated 05.09.2023 and directed the 2nd respondent to consider the representation made by the petitioner on 07.09.2023, seeking details of calculation and readings based on which the demand was made by the respondents. However, again the demand notice dated 04.03.2024 has been issued without any basis.

3.Learned counsel appearing for the 3rd respondent would submit that pursuant to the order of this Court in W.P.Nos.27225 & 29333 of 2023, the representation dated 07.09.2023 made by the petitioner was considered by



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the respondents 1 and 2 after affording opportunity to the petitioner and the 3rd respondent to putforth their case and then the fresh assessment order has been passed on 04.03.2024, raising the present demand.

4.Learned Standing counsel appearing for the respondents 1 and 2 would submit that as submitted by the learned counsel for the 3rd respondent pursuant to the order passed in W.P.Nos.27225 & 29333 of 2023 dated 15.09.2023 and 11.10.2023 respectively, the representation of the petitioner dated 07.09.2023 was considered and the water meter was sent for testing and the order also came to be passed on 21.02.2024, stating that there was no error in the water meter and the fresh assessment order dated 04.03.2024 has been passed by the respondents 1 and 2. Thus, there is no merits in the present writ petition and prayed for dismissal of the writ petition.

5.In reply, learned Senior Counsel appearing for the petitioner would submit that the water meter was tested in private concern. The testing ought to have been done in Government agency.



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6.Heard Mr.Ravi Anantha Padmanabhan, learned Senior Counsel appearing for the petitioner; the learned Standing counsel for the respondents 1 and 2 and the learned counsel for the 3rd respondent.

7.In the present case, the dispute is with regard to the failure on the part of the respondents 1 and 2 in affording opportunity before making the demand towards water charges. As far as the opportunity is concerned, pursuant to the order passed in the writ petitions in W.P.Nos.27225 & 29333 of 2023 dated 15.09.2023 and 11.10.2023 respectively, the representation of the petitioner dated 07.09.2023 was considered by the respondents 1 and 2 after affording opportunity to the petitioner and the 3rd respondent to putforth their case and the order dated 21.02.2024 was passed by the respondents 1 and 2, stating that there was no error in the water meter and thereafter, the present assessment order has been passed. As directed by this Court, opportunity was granted to the petitioner and the 3rd respondent and therefore, the contention of the petitioner that failure on the part of the respondents 1 and 2 to provide opportunity has no merits. Further, if the



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petitioner is not happy with the testing done in the private concern, it is upto the petitioner to make representation before the respondents 1 and 2 to re-test the water meter with the Government entity. Thus, there is no scope to interfere with the impugned demand notice.

8.In the result, the present writ petition is dismissed with liberty to make fresh re-presentation to the respondents 1 and 2, to re-test the water meter in the Government entity, if so advised. If any such representation is received by the respondents 1 and 2, the same shall be considered on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2025

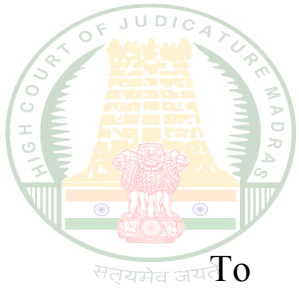
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Index : Yes / No

Internet : Yes / No

Speaking Order / Non Speaking Order

Neutral Citation:Yes/No



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To
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KRISHNAN RAMASAMY, J.

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