



W.P.No.10201 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 21.03.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.10201 of 2025
& W.M.P.Nos.11462 & 11465 of 2025

A.Bharathi

... Petitioner

Vs.

1.Chennai Metro Water Supply and Sewerage Board,
Rep by its Managing Director, Chennai 600 002

2.Area Engineer, Area VIII,
Chennai Metro Water Supply and Sewerage Board,
227, 2nd Avenue, Near 12th Main Road, Anna Nagar,
Chennai 600 040

3.Depot Engineer, Depot O-101,
Chennai Metro Water Supply and Sewerage Board,
227, 2nd Avenue, Near 12th Main Road, Anna Nagar,
Chennai 600 040

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the 2nd respondent pertaining to the payment due vide Notice bearing Lr.No.CMWSSB/Area8/N-102-O-101/unpaid amount/201 dated 07.01.2025 and quash the same.

For Petitioner : Mr.Vijayan Subramanian



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W.P.No.10201 of 2025

For Respondent : Dr.Paul Sundar Singh,
Standing counsel

ORDER

This writ petition has been filed challenging the impugned order dated 07.01.2025 passed by the 2nd respondent.

2. Dr.Paul Sundar Singh, learned Standing counsel, takes notice on behalf of the respondent. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that in this case, the building was constructed in the year 1984, for which, necessary sewerage and water connection charges and infrastructure development charges were paid by the petitioner immediately after the completion of the said building. However, based on the site inspection conducted on 30.12.2024, the respondent had issued a demand noticed dated 07.01.2025, whereby they had demanded a sum of Rs.4,17,000/- towards infrastructure charges and Rs.2,10,000/- towards water and sewerage connection charges.



W.P.No.10201 of 2025

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4. Further, he would contend that no opportunity was provided to the petitioner prior to the issuance of the said demand notice, which is a clear violation of principles of natural justice. Hence, he requests this Court to pass appropriate orders.

5. In reply, the learned Standing counsel appearing for the respondent had confirmed the above submissions and would request this Court to pass appropriate orders. Further, he would suggest this Court that the impugned order may be treated as a show cause notice and the petitioner may be directed to file their reply, so as to enable the respondent to consider the same and dispose of the matter in accordance with law.

6. Heard the learned counsel for the petitioner and the learned Standing counsel for the respondent and also perused the materials available on record.



W.P.No.10201 of 2025

WEB COPY

7. In the case on hand, the building was constructed by the petitioner in the year 1984. According to the petitioner, immediately after completion of the said building, necessary water and sewerage connection charges and infrastructure charges were paid by them. However, without considering the said aspect, once again, the respondent had demanded the aforesaid charges from the petitioner vide demand notice dated 07.01.2025.

8. Further, it was submitted that no sufficient opportunities were provided to the petitioner prior to the issuance of said demand notice. In such case, there is no doubt that the impugned demand notice was issued in violation of principles of natural justice and hence, the same is liable to be set aside. Accordingly, this Court passes the following order:-

(i) The impugned demand notice dated 07.01.2025 is set aside and the matter is remanded to the respondent for fresh consideration

(ii) The petitioner is directed to consider the aforesaid demand notice dated 07.01.2025 as a show cause notice issued by the respondent and file their reply/objection along with the required documents, if



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W.P.No.10201 of 2025

any, within a period of four weeks from the date of receipt of copy of this order.

(iii) On filing of such reply/objection by the petitioner, the respondent shall consider the same and issue a 14 days clear notice, by fixing the date of personal hearing, to the petitioner and thereafter, pass appropriate orders on merits and in accordance with law, after hearing the petitioner, within a period of 8 weeks from the date of filing of reply by the petitioner.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

21.03.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

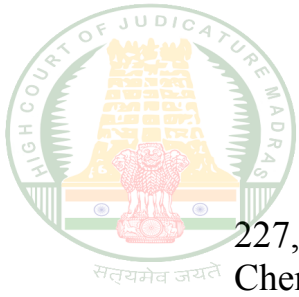
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To

1.Chennai Metro Water Supply and Sewerage Board,
Rep by its Managing Director, Chennai 600 002

2.Area Engineer, Area VIII,
Chennai Metro Water Supply and Sewerage Board,

5/7



W.P.No.10201 of 2025

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3.Depot Engineer, Depot O-101,
Chennai Metro Water Supply and Sewerage Board,
227, 2nd Avenue, Near 12th Main Road, Anna Nagar,
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W.P.No.10201 of 2025

KRISHNAN RAMASAMY.J.,

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W.P.No.10201 of 2025
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