



W.P.No.20800 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20800 of 2023

and

W.M.P.Nos.20179 & 20180 of 2023

M.Narayanan

... Petitioner

Vs.

1. Chennai Metropolitan Water and Sewerage Board
Represented by its Managing Director
No.1, Pumping Station Road, Chinthadripet
Chennai – 600002.

2. Area Engineer – VII,
Chennai Metropolitan Water and Sewerage Board
New Area 07 Office, No.1, T.S.Krishna Nagar
Chennai – 600037.

3. Senior Accounts Officer
Chennai Metropolitan Water and Sewerage Board
New Area 07 Office, No.1, T.S.Krishna Nagar
Chennai – 600037.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for
issuance of a Writ of Certiorarified Mandamus, calling for the demand notice
issued by the 2nd respondent dated 25.05.2023 bearing



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No.CMWSSB/Area.VII/B&C/W&S/Charges/CC/SPI/2022 and quash the same and consequently direct the respondents to permit the petitioner to pay Rs.1500/- towards water tax/charge and Rs.145/- towards sewerage tax/charge for every 6 months on par with other residents in Parisalai, Mogappair Area with effect from February 2021.

For Petitioner : M/s.Ramapriya Gopalakrishnan
in both W.Ps

For Respondents : Mrs.Vijayalakshmi
in both W.Ps Standing Counsel

ORDER

This is the second round of litigation before this Court.

2. Earlier, the petitioner approached this Court for a Certiorarified Mandamus in W.P.No.24743 of 2022 to quash the Demand Notice dated 12.08.2021 issued by the 3rd respondent. By an Order dated 15.09.2022, this Court disposed of the aforesaid writ petition with the following observations:-

“4. Thus, Mandamus is issued to R2 to consider and dispose the representation of the petitioner dated 28.03.2022 within a period of six (6) weeks from date of receipt of a copy of this order, after hearing the petitioner. As far as the demand is



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concerned, seeing as no legal infirmity is made out in regard to the same, the notice is upheld and this writ petition is dismissed, though with liberty, as set out above. No costs. Connected miscellaneous petition is closed.”

3. Pursuant to the aforesaid order of this Court in W.P.No.24743 of 2022 and pursuant to the contempt petition filed by the petitioner in Cont.P.No.941 of 2023, the impugned order was passed on 25.05.2023. By the impugned order, the petitioner was called upon to pay a sum of Rs.1,73,623/- being Water & Sewerage Tax and Charges up to April 2023.

4. A reading of the impugned order indicates that the demand pertains to the period starting from February 2021. The impugned order itself records that the meter that was fixed on 17.02.2021 at the petitioner's premises was removed on 22.10.2021 based on the petitioner's complaint that the meter was not functioning properly.

5. The impugned order also indicates that the demand was made without a meter being fixed at the petitioner's premises, after it was removed on 22.10.2021. Thus, it is clear that the demand for the period after October 2021 was not based on a meter readings, as no meter was available in the



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petitioner's premises during that period.

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6. The petitioner appears to have been paying Water & Sewerage Tax and Charges at the pre-existing rate pursuant to the Order dated 15.09.2022 of this Court in W.P.No.24743 of 2022.

7. The records reveal that the petitioner was assessed by the Corporation for property tax for possessing the following properties.

Floor	Built up Area in Sq.ft	Usage	Occupancy	Type of Construction	Year of Construction
Head Room	96.0	Residential	Owner	Permanent	2005
Ground	1698.0	Residential	Owner	Permanent	2005
Ground	338.0	Non-Residential	Owner	Permanent	2005
1 st	2020.0	Residential	Owner	Permanent	2005
2 nd	105.0	Residential	Owner	Permanent	2005

8. As per the provisions of the Chennai Metropolitan Water Supply and Sewerage Service Charges (Levy and Collection) Regulation, 1978, the petitioner's premises is to be classified as "partly commercial" within the meaning of the Regulations there under:-

"4. "Commercial Premises" means -
(i) Irrespective of consumption of water, premises used



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fully for business, commercial complexes, trade, commerce, building purposes fall under this category;

(ii) Premises used fully or partly as Theatres, Hotels, Boarding Houses, Lodges, Clubs, Private Hospitals, Private Hostels, Kalyana mandapams, Clinics with in-patient facility, Swimming Baths, Places for keeping animals, vehicles Service Stations, Nurseries, etc.

(iii) Industries, Railways, Port Trust and all other Business/Commercial and Industrial Establishments not covered in sub-clauses (i) and (ii) of this clause above, Central and State Public Sector Undertakings, Commercial Boards and Authorities.

5. “Partly Commercial” means premises partly used for commercial purposes other than referred under clause 4 (ii) above and shops forming part of flats, clinics without in-patient facility, fall under this category.”

9. For partly commercial category, a separate tariff has been fixed as under:-

	Category	Quantity of Water	Rate / Kilo Litre	Min rate chargeable (including sewerage charges) Rs.	Frequency of Billing
C.	Partly Commercial	Up to 10 Kilo Litre	5.00	150.00	
		10 to 15 Kilo Litre	15.00		
		Above 15 Kilo Litre	25.00		



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WEB COPY 10. Considering the overall facts and circumstances of the case, the respondents are directed to install the AMR device / meter at the petitioner's premises within a period of 60 days from today. Thereafter, the concerned officers of the Respondent Department shall periodically monitor the same for next six months and levy water and sewerage charges in accordance with the tariffs specified in the aforesaid Regulations.

11. The petitioner shall also pay the charges based on the reading of the AMR device, after the same is installed. The average of the next six months reading pursuant to installation of AMR device shall be taken as the reading for the past period and the difference shall be demanded from the petitioner.

12. This Writ Petition stands disposed of with the above observations. Consequently, connected miscellaneous petitions are closed. No costs.

12.12.2025

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Neutral Citation : Yes / No

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Chennai Metropolitan Water and Sewerage Board
No.1, Pumping Station Road, Chinthadripet
Chennai – 600002.
2. The Area Engineer – VII,
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New Area 07 Office, No.1, T.S.Krishna Nagar
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C.SARAVANAN, J.

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