

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 9636 of 2018

and

WMP Nos.11557 & 11558 of 2018

Maraimalainagar Kudiyirupor
Podhu Nala Sangangalin Kootamaipu,
Reg.213/12, 2/33, NH-I,
Maraimalai Nagar-603 209,
Rep. by its Chairman
M.Ranganathan

..Petitioner(s)

Vs

1. The Special Officer Cum Commissioner,
Maraimalainagar Municipality,
Maraimalainagar-603 209.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Chief Engineer,
Municipal Administration,
Chepauk, Chennai-600 005.

..Respondent(s)

This writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records of the 3rd respondent dated 10.05.2017 made in Na.Ka.No.60946/2006/Pa.Sa.Thi.2 and consequential

underground drainage by laws Marimalai Nagar Municipality Published in the Kancheepuram District Gazettee dated 01.02.2018 particularly rule 38(9) relating to fixation of sewerage monthly tariff on graded basis and initial deposit and quash the same.

For Petitioner(s): Mr.S.Elamurugan

For Respondent(s): Mr.P.Srinivas
for R1

Mr.P.Ganesah,G.A.,
for R2 & R3

ORDER

Challenge was made against the impugned correction made by the third respondent by virtue of the impugned order dated 10.05.2017.

2. According to the petitioner, the first respondent, namely, the Special Officer cum Commissioner, amended the Council Resolution, dated 27.11.2015, by issuing a *suo motu* resolution dated 28.04.2017.

3. The learned counsel appearing for the petitioner would submit that in the present case, since the Council was under administration, a resolution was passed on 27.11.2015 for the purpose of collection of sewerage tax on the basis

of the flat-rate system. However, the said flat-rate system was subsequently modified by the first respondent/Special Officer-cum-Commissioner by virtue of the impugned order as a graded system. Challenging the same, the present writ petition has been filed.

4. He would further submit that all along from 1980 onwards, the charges fixed for each sewerage connection has been at the minimum rate of Rs.75/-, based on the flat-rate system. However, it is now contended that the system has been changed to a graded system. Even the Council had adopted a flat-rate system under the Special Officer-cum-Commissioner/first respondent, who, after the expiry of the Council period, passed the impugned order stating that it was not a flat rate system but a graded system.

5. The learned counsel for the respondents would submit that the authorities derive power under Section 368(6) of the Tamil Nadu District Municipalities Act, 1920. The first respondent/Special Commissioner passed the resolution dated 28.04.2017, making corrections to the resolution dated 27.11.2015, to the extent that flat-rate system mentioned in the Council Resolution has to be modified as a graded system. He would further submit that this was only an error and apart from mentioning the flat-rate system, the

Council had in fact discussed and proposed only the graded system. The flat-rate system, under the Rule in force from 1980 till 2015, meant fixation of Rs.75/- per connection. By referring to different rates and based on the plinth area in square feet, the amount had been fixed. Therefore, he would submit that it is only a graded system and not a flat-rate system.

6. Considering the submissions made by the learned counsel for the petitioner as well as the respondents, the issue that arises for consideration is whether the alteration of the flat-rate system, as stated in the Council Resolution dated 27.11.2015, into a graded-rate system by the first respondent through proceedings dated 28.04.2017, is in accordance with the powers available under Section 368(6).

7. A perusal of the above resolution shows that, in paragraph No.2, the Council had discussed the manner in which charges were to be fixed based on various rates and in the first paragraph, they have referred to the flat-rate system that had been followed in the past. In the second paragraph, the proposal was made with reference to the graded system. Further, though in the third paragraph, it was stated as a flat-rate system, the Council had in fact discussed

and adopted the graded system, but in paragraph Nos.3 and 4, it had been wrongly stated as a flat-rate system.

8. Since the term of the Council had expired, the first respondent, acting as the Administrative Officer, passed the following resolution on 28.04.2017 in exercise of the powers available under Section 368(6):-

"இந்நகரமன்ற தீர்மான எண்.1094 நாள் 27.11.2015-ல் Flat Rate System என தவறுதலாக தெரிவிக்கப்பட்டதை திருத்தம் செய்து மேற்கண்ட Graded System of Deposit and Tariff கட்டணத்தினை செயல்படுத்த மன்றம் அனுமதி வழங்கலாம்."

9. On a perusal of the above resolution, it is seen that no change had in fact been made to the resolution originally passed by the Council. In the third paragraph, the first respondent had only rectified the error in the resolution dated 27.11.2015, since it had been wrongly mentioned as a flat-rate system instead of a graded system. Thus, the correction was only by way of a clarification. Therefore, such clarification is well within the scope of the powers of the first respondent under Section 368(6) of the Tamil Nadu District Municipalities Act 1920. This being the position, I do not find any error in the

impugned resolution passed by the first respondent. Hence, this writ petition is devoid of merits.

10. Accordingly, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

11. If the petitioner has any grievance with regard to payment of the tax, liberty is granted to make an appropriate request, and it is open to the respondents to consider the same with regard to whether the payment should operate prospectively or retrospectively. The petitioner is directed to continue to pay, in the event of collection of sewerage charges for the past period, in accordance with law, and the respondents may provide sufficient instalments for payment of the same.

04-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MRP

To

1. The Special Officer Cum
Commissioner, Maraimalainagar Municipality,
Maraimalainagar-603 209.
2. The District Collector,
Kancheepuram District, Kancheepuram.
3. The Chief Engineer,
Municipal Administration, Chepauk,
Chennai-600 005.

KRISHNAN RAMASAMY, J.

MRP

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