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W.P.No.16898 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

Coram

The Honourable **Mr.Justice C.Saravanan**

W.P.No.16898 of 2025

and

W.M.P.No.19171 of 2025

K.Padma

...Petitioner

Vs.

1. The Principal Secretary
Municipal Administration and Water Supply
Secretariat, Fort. St. George, Chennai – 600 009.
 2. The Executive Engineer (Area X, T.Nagar)
Chennai Metropolitan Water Supply and Sewerage Board,
No.9, Muthukrishnan Street, T.Nagar, Chennai – 600 017.
 3. The Tahsildar,
Mambalam Taluk, New No.1, Old No.2, Bharathi Dasan Salai
K.K.Nagar, Chennai – 600 078.
- ...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for records of the impugned Dstraint Order dated 04.03.2025 in CMC No.10/135/00267/000 issued by the third respondent, being Tahsildar, Mambalam Taluk, K.K.Nagar, Chennai – 600 078 and to quash the same as arbitrary.

For Petitioner : Mr.M.Venkatesh Mahadevan
For Respondents : Mrs.V.Vijayalakshmi
Standing Counsel



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Order

The Petitioner is before this Court challenging the Dstraint Order dated 04.03.2025 in CMC No.10/135/00267/000 issued by the third Respondent, thereby, demanding the Petitioner to pay the water and sewerage charges is unsustainable.

2. This Writ Petition was heard at a considerable length of time on the previous occasion (on 23.01.2026) and thereafter, today (06.02.2026).

3. The Petitioner claims to be the owner of Flat No.B, Ground Floor, Balaji Flats, Door No.81/4, Arya Gowda Road, West Mambalam, Chennai – 600 033 since 1994.

4. According to the Petitioner, the said Complex consists of 19 residential units and four commercial units, including the Petitioner's flat and that the Petitioner's flat had a separate water connection from Hasthagiri Street is jointly owned by the Petitioner and his son for business activities. It is the case of the Petitioner that the said Flat at Balaji Flats, has not been used for Residential Purpose since 2017 and that the Petitioner has not was used it as a Godown in connection with the Business carried on by the

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Petitioner's son, i.e. as a godown for storage of the goods for their clients, namely, Amazon, Flipcart, etc engaged in e-commerce.

5. It is case of the Petitioner that as far as three commercial shops in Ground and third Floors (each at six feet distance) are concerned, there is a separate water connection from Arya Gowda Road and that the Petitioner has not used the water since 2017.

6. It is further submitted by the learned counsel for the Petitioner that the Petitioner had also requested the Respondent, Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) to disconnect the water connection for the subject premises, since the water charges were enhanced from Rs.480/- to Rs.8,352/- since 1st half of April 2020.

7. To fortify the same, the learned counsel for the Petitioner had also drawn the attention to a communication dated 10.09.2023, 28.05.2024, 24.06.2024 and 02.08.2024 sent to the Respondent, CMWSSB. These were filed at Page Nos.38 to 41 in the Typed-Set of Papers filed in support of this Writ Petition.



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8. That apart, the learned counsel appearing for the Petitioner has also produced the Acknowledgment Card dated 31.05.2024, which bears the Seal of the Respondent No.2 in response to the communication sent by the Petitioner dated 28.05.2024,

9. The learned counsel for the Petitioner has also drawn the attention to certain Whatsapp communications dated 25.03.2023 were exchanged between the Petitioner and the Official of the Respondent, CMWSSB, and that in response to the said communications, the Respondent CMWSSB had also disconnected the water connection given to the petitioner and there was no water or sewerage connection to the said premises for the last two years.

10. The photocopy of the Whatsapp screen-shots were also filed in the Additional Typed-Set of Papers by the Petitioner.

11. It is therefore, submitted by the learned counsel for the Petitioner that since the Petitioner has not utilized the water from the Sump from the year 2017 and that a closure valve was to avoid water supply and that the water connection itself was sealed from February, 2023, the impugned



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Distrain Order dated 04.03.2025, asking the Petitioner to pay the arrears of water and sewerage charges for the period beyond February 2023 is unsustainable.

12. The learned counsel for the Petitioner therefore prays for quashing of impugned Distrain Order dated 04.03.2025 passed by the third Respondent.

13. The learned Standing Counsel for the Respondent, CMWSSB, on the other hand, would submit that the amount has been demanded based on the Guidelines/Instructions issued for the Recipient of Service as per the respective Categories.

14. It is further submitted that even in case of single water connection given to a Multistoreyed building an occupant is liable to pay the water charge, even if no separate water connection was given to a specific property. In other words, it is submitted that once water and sewerage connection is given to a Multistoreyed building for residential purpose or other purpose, irrespective of whether any specific property was not put to



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use for residential purpose or for commercial purpose, the occupant was required to pay the water and sewerage charges for such property.

15. The learned Standing Counsel also submitted that there has been no escalation in the water charges for the tax period in dispute as alleged by the Petitioner.

16. That apart, the learned Standing Counsel for the Respondents would submit that none of the above mentioned communications alleged to have sent by the Petitioner has reached the Office of the Respondents and such communications were prepared only with an intent to invent a cause of action against the Respondents before this Court.

17. Therefore, the learned Standing Counsel for the Respondents prays for the dismissal of the Writ Petition and to direct the Petitioner to remit the water charges as demanded in the impugned Distraint Order dated 04.03.2025 in Form 1 issued by the third Respondent under Section 8 of the Tamil Nadu Revenue Recovery Act, 1864.



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18. I have considered the submissions made by the learned counsel appearing for the Petitioner and the learned Senior Standing Counsel for the Respondents.

19. Taking note of the communications sent by the Petitioner, more particularly, the communication dated 28.05.2024, which was in fact acknowledged by the second Respondent vide Acknowledgment Card dated 31.05.2024, which bears the seal of the respondent-Department, the Court is inclined to dispose of this Writ Petitions by directing the third Respondent to bring a closure to the pending demands against the Petitioner subject to the Petitioner depositing i) arrears of water tax of Rs.10,328/- + S.C of Rs.403/- as detailed in the Counter Affidavit, in Paragraph No.6.1 at Page Nos.4 &5; (i) arrears of water charges at Sl.Nos.23 to 28 as detailed below:-

Sl.No.	Term	Demand	Surcharge	Collected	Balance
23	20-21/I(Apr-Sep)	8,352.00	1,015.00	4,775.00	4,592.00
24	20-21/II(Oct-Mar)	8,352.00	1,015.00	4,775.00	4,592.00
25	21-22/I (Apr-Sep)	8,352.00	1,015.00	4,775.00	4,592.00
26	21-22/II(Oct-Mar)	8,352.00	1,015.00	4,775.00	4,592.00
27	22-23/I (Apr-Sep)	8,352.00	1,015.00	4,775.00	4,592.00
28	22-23/II(Oct-Mar)	8,352.00	962	4,722.00	4,592.00
					27,552/-



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20. At the time of entertaining this Writ Petition, i.e. 03.06.2025, this

Court has granted a conditional Stay Order subject to the Petitioner paying a sum of Rs.10,000/- to the Respondents.

21. The learned counsel for the Petitioner now submits that the Petitioner complied with the aforesaid Interim Order dated 03.06.2025 and has deposited a sum of Rs.20,731/- on 27.06.2025. The above paid shall be adjusted towards the amounts, now ordered to be paid

22. The Petitioner is directed to make such payment within a period of two weeks from the date of receipt of a copy of this Order.

23. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

06.02.2026

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Index : yes/no

Neutral Citation : yes/no

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C.Saravanan,J.,

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