

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.10347 of 2015

D.Indrani

[Petitioner]

Vs

The Commissioner,
Corporation of Coimbatore, Coimbatore

[Respondent]

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to implement the order of the property tax appellate tribunal Coimbatore dated 28.10.1998 and furnish the property tax balance details to enabling the petitioner to pay property tax

For petitioner : Mr.B.Nedunchezhiyan

For respondent : Mr.D.Krishnamkumar, SGP

O R D E R

Heard the learned counsel for the petitioner and Mr.D.Krishnamumar, learned Special Government Pleader for the respondent.

2. This writ petition has been filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to implement the order of the Property Tax Appellate Tribunal, Coimbatore, dated 28.10.1998 and subsequently to furnish the property tax balance details to enable the petitioner to pay property tax for the subsequent years.

3. The petitioner, being the owner of the property situate at 7/21, Pazhaniyappa Nagar, Kongu Nagar Extension, Coimbatore, has been collecting rent from the tenants for the entire area viz., 9810 sq.ft. wherein the built up area is 3522 sq.ft. Based on the rental value of the building, the respondent Corporation had levied the property tax for the year 1993 at Rs.4764/-. Aggrieved over the same, the petitioner moved the Appellate Tribunal under Section 20(1) of the Coimbatore City Municipal Corporation Act, 1981. Accepting the case of

the petitioner, an order was passed on 28.10.1998, reducing the property tax from Rs.4,764/- to Rs.2,525/-. But, the respondent has not implemented the same. Therefore, the petitioner has come before this Court for implementation of the said order of the Appellate Tribunal.

4. Mr.D.Krishnakumar, learned Special Government Pleader appearing for the respondent Corporation submitted before this Court that insofar as implementation of the order passed by the Appellate Tribunal is concerned, the same would be done in letter and spirit. However, with regard to payment of property tax for the years not covered by the order of the Appellate Tribunal, pending representation of the petitioner would be duly considered on merits and orders will be passed within a period of eight weeks from the date of receipt of a copy of this order.

5. Accepting the submission of the learned Special Government Pleader that within eight weeks' time the petitioner's representation would be considered, this writ petition is disposed of by directing the respondent Corporation to dispose of the representation of the petitioner on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

rg

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

To

The Commissioner
Corporation of Coimbatore,
Coimbatore

सत्यमेव जयते

+1 C.C. To MR.B.NEDUNCHEZHIAN, Advocate in Sr.No.26329

+1 C.C. To MR.D.KRISHNAKUMAR, Advocate in Sr.No.26246

W.P.No.10347 of 2015

GR (CO)

sd : 01/07/2015