

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.14363 of 2015 and
M.P.Nos.1 and 2 of 2015

A.Sharpudeen

... Petitioner

vs.

1.The Commissioner i/c,
Hosur Municipality,
Krishnagiri District.

2.The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus, to call for the records connected with the proceedings issued in Na.Ka.No.2619/2012/C1 dated 29.06.2012 passed by the first respondent herein and quash the condition No.1 and consequently direct the respondents to disburse the recovered amount which was recovered from the petitioner's DCRG.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

With the consent of both sides, the matter is taken up for final disposal as the matter is covered by various orders of this Court.

2. The petitioner joined service as a Bill Collector in Vandavasi Municipality. Thereafter, he was transferred to Hosur Municipality in the year 2012. He retired from service on 30.06.2012.

3. While so, by the impugned order dated 29.06.2012, recovery to the tune of Rs.28,390/- and Rs.8,486/-, being time barred arrears of tax due and payable by tax payers and Lease Amount to the Tiruvannamalai Municipality respectively, has been ordered to be recovered from the DCRG of the petitioner.

4. In the judgment reported in (1988) 1 MLJ 247 (V.Nagarajan v. Commissioner, Salem Municipality) and in Kootha Pillai v. Commissioner of Municipal Administration and others reported in 2009 (1) MLJ 761 it has been held that the liability of time-barred arrears of tax cannot be mulcted on Bill Collectors. Following the same, similar order has been passed by me in W.P.Nos.13659 of 2007 and etc., dated 30.10.2014 [A.Kumaravel v. The Commissioner, Kathivakkam Municipality,Thiruvallur District].

5. The said judgments squarely applies to the case on hand. Hence, the impugned order is quashed and the writ petition is allowed. The respondents are directed to pay Rs.28,390/- and Rs.8,486/- to the petitioner, allegedly recovered from his DCRG, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Commissioner i/c,
Hosur Municipality,
Krishnagiri District.

2.The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.

+1 cc to Mr.S.Ilamvaludhi, Advocate,SR.27638.

Msm(co)
krd 23/6

सत्यमेव जयते

W.P.No.14363 of 2015

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