HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Lok Adalat-II organised by the High Court Legal Services Committee
Tuesday, the 08 day of September, 2015
LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by
The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)
and
Members

Mr.K.Ramakrishnan
Ms.R.Rathna Thara

W.P.No.4305 of 2010

Prayer : This writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of the Writ by calling for the records relating to the order dated 19.01.2010 passed in I.A.No.3 of 2009 in A.P.No.48 of 2008 on the file of the first respondent herein and to quash the same and to direct the first respondent to restore the appeal in A.P.No.48 of 2008 to his file and to dispose of the same in accordance with law.

1.C.T.Arunachalam
2.Meenakshi @ Meena .. Petitioners

Vs.

1.The President,
Taxation Tribunal,
Salem Municipal Corporation,
Salem - 636 001.

2.The Commissioner,
Salem Municipal Corporation,
Salem - 636 001. .. Respondents

This case came up for settlement before the Lok Adalat. Ms.Elizabeth Ravi, the learned counsel for the petitioners and Mr.K.Sridhar, learned counsel for the second respondent are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

The petitioners in W.P.No.4305 of 2010 pending on the file of the High Court, Madras has been referred to the Lok Adalat for conciliation today.

2. The first petitioner, who is the husband of the second petitioner is reported dead and the writ petition is prosecuted by the second petitioner. The writ petitioners are assisted by their

counsel, viz., Ms.Elizabeth Ravi while the second respondent / Salem Municipal Corporation, represented by its learned counsel, viz., Mr.K.Sridhar.

3. The writ petitioners have filed a writ petition to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of the Writ by calling for the records relating to the order dated 19.01.2010 passed in I.A.No.3 of 2009 in A.P.No.48 of 2008 on the file of the first respondent herein and to quash the same and to direct the first respondent to restore the appeal in A.P.No.48 of 2008 to his file and to dispose of the same in accordance with law and also for issue of temporary injunction restraining the second respondent herein from collecting the property tax under Assessment No.3111975, bearing Door No.6/1, Second Agraharam, Salem - 636 001, in excess of Rs.15,642/- pending disposal of the above writ petition.

4. After great deliberation and discussion, both parties have agreed to allow the writ petition and to set aside the order passed in I.A.No.3 of 2009 in A.P.No.48 of 2008 on the file of the first respondent and to dispose of the same in accordance with law. It is agreed by both parties that the second respondent has agreed to collect the property tax payable by the writ petitioners reducing 10% from and out of the property tax payable by the writ petitioners to the second respondent. The writ petitioners have also agreed to pay the property tax, as suggested by the second respondent.

5. It was brought to the notice to the Lok Adalat by the learned counsel appearing for both sides that another writ petition filed by the writ petitioners in W.P.No.22055 of 2009 with regard to the dispute between the writ petitioners and the second respondent herein in connection with the payment of property tax and the said writ petition was disposed of by the Hon'ble High Court with the following observation:-

> " In the light of the above facts, without going into the merits of the contentions raised by the petitioner, liberty is granted to the petitioner to file an Appeal before the Tax Appeal Committee of the respondent Municipal Corporation and if the said Appeal is filed within a period of thirty days from the date of receipt of a copy of the order, the Appeal shall not be rejected on the ground of limitation and the same shall be dealt with in accordance with law."

6. Both parties are at liberty to re-concile the dispute between them by adopting the payment of property tax in the same terms and conditions, since they are willing to settle that matter also in the same line.

7. In the result, the Lok Adalat hereby declare and decree that the writ petitioners more particularly the second writ petitioner shall pay the property tax due by reducing 10% of the demand made by

the second respondent, since this writ petition has been allowed by consent of both parties. The award is passed accordingly. No order as to costs.

8. The second writ petitioner is permitted to pay the agreed property tax within one month from this date.

Sd/-
Meenakshi @ Meena Arunachalam

Sd/-
Counsel for the Petitioners

Sd/-
The Commissioner,
Salem Municipal Corporation,
Salem - 636 001.

Sd/-
Counsel for the Second Respondent

Sd/-
Judge

Sd/-
Member

Sd/-
Member

To:The parties/Advocate concerned

Copy to:

1. The President,
Taxation Tribunal,
Salem Municipal Corporation,
Salem - 636 001.

2. The Commissioner,
Salem Municipal Corporation,
Salem - 636 001.

3.The Secretary, High Court Legal Services Committee, Chennai.
4.The Section Officer, V.R.Section, High Court, Madras.
5.The Section Officer, Lok Adalat Section, High Court, Madras.+2 copies

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