BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :**28.08.2015**

CORAM

THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P(MD).No.15636 of 2015

U.Subbiah Pandi ... Petitioner

Vs.

1.The Director of Municipal Administration,
O/o. Director of Municipal Administration,
Ezhilagam,
Annexe Building-6th Floor,
Chepauk, Chennai-600 005.

2.The Commissioner,
Tenkasi Municipality,
No.85, Anaikarai Street,
Tenkasi-627 811.
Tirunelveli District. ... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the Respondents to consider the petitioner's representation, dated 09.07.2015 regarding the reassessment of Property Tax to the petitioner's house at No.163/1A1,Railway Road, Thaibala Nagar, Tenkasi, Tirunelveli District and fix a fair amount on par with other houses in the same vicinity.

For petitioner : Mr.S.Rajaprabu
For R1 : Mr.S.Kumar
Addl.Govt. Pleader
For R2 : Mr.Aathi Moola Pandian

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the Respondents to consider the petitioner's representation, dated 09.07.2015 regarding the reassessment of Property Tax to the petitioner's house at No.163/1A1,Railway Road, Thaibala Nagar, Tenkasi, Tirunelveli District and fix a fair amount on par with other houses in the same vicinity.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the first respondent and Mr.Aathi Moola Pandian, learned counsel takes notice for the second respondent.

3. By consent, this Writ Petition itself is taken up final disposal.

4. In the affidavit filed support of the Writ Petition, it has been averred that the second respondent assessed and fixed Property Tax for

the petitioner's house as Rs.2,112/-. But, the Property Tax assessed and imposed for the houses in the same half year, which are similar to that of his house in all aspects is only about 50% of the Property Tax assessed and fixed for the petitioner's house. The petitioner has given a representation to the second respondent to reassess the Property Tax and fix a fair amount on par with other houses. But the second respondent has not reassessed the Property Tax. Hence, the petitioner has come forward with this Writ petition for the above stated relief.

5.Today, when the matter is taken up for hearing, the second respondent submitted that the Property Tax was assessed for the petitioner 8 years back. All along he has been paying paid the Property Tax. The petitioner ought to have filed an appal before the Taxation Appellate Committee within 15 days from the date on which the Property Tax was fixed. After eight years, he has come forward with the present writ petition.

6.I find some force, It is not a fit case to give a direction to the respondents to consider the representation of the petitioner as the petitioner accepted the Property Tax fixed by the respondents and is paying the Property Tax till now without any protest. Hence I am not inclined to entertain the writ petition and the same is dismissed. No Costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

am
To
1.The Director of Municipal Administration,
O/o. Director of Municipal Administration,
Ezhilagam, Annexe Building-6th Floor,
Chepauk, Chennai-600 005.

2.The Commissioner, Tenkasi Municipality,
No.85, Anaikarai Street,
Tenkasi-627 811.
Tirunelveli District.

+1CC to Spl.Government Pleader SR.No.50036

GJM/NGM/SS/9.9.15-2P-4C

W.P(MD).No.15636 of 2015
28.08.2015