BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.18414 of 2015

Subramani ... Petitioner

Vs.

The Municipal Commissioner,
Manapparai Municipality,
Madurai Road, Manapparai. ... Respondent

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to consider the petitioner's representation, dated 17.08.2015 presented to the respondent for the fixation of tax to his house and to his shop located in Natham Survey No.573/6, New Town Survey No.39 bearing old Door No.27, New Door No.83 and old Door No.27/1, New Door No.83/1 respectively.

For Petitioner : Mr.B.Prahalad Ravi for
Mr.T.M.Madasamy
For Respondents : Mr.Lawrance

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondent to consider the petitioner's representation, dated 17.08.2015 presented to the respondent for the fixation of tax to his house and to his shop located in Natham Survey No.573/6, New Town Survey No.39, bearing old Door No.27, New Door No.83 and old Door No.27/1, New Door No.83/1 respectively.

2.Mr.J.Lawrance, learned counsel takes notice for the respondent.

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

4. In the affidavit it has been averred that the petitioner is working as a Salesman in a Tasmac Shop at Manapparai. The petitioner's father worked as a Sweeper in Manapparai Municipality. He died on 25.06.1996, while he was in service.

After the demise of the petitioner's father, his mother gave half share in the family house as well as in a small shop respectively which are standing in her name to the petitioner through a gift deed, dated 13.07.2011 vide document No.4509 of 2011. From the said date onwards, the petitioner was in possession and enjoyment of the same. Thereafter, the petitioner has made an application to the respondent on 17.08.2015 to assess tax for the house and shop. But there was no action on the part of the respondent. Hence, once again the petitioner has made a representation to the respondent on 14.09.2015. Even thereafter, no action was taken by the respondent to assess the property, which belong to the petitioner. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the respondent to consider the representation of the petitioner, dated 14.09.2015, and pass appropriate orders on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

The Municipal Commissioner,
Manapparai Municipality,
Madurai Road, Manapparai.

+ 1 CC TO MR.T.M.MADASAMY, ADVOCATE IN SR NO. 59881

PM
TE/JGB/ : 28/10/2015 : 2P/3C

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09.10.2015