BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2015

CORAM:

THE HONOURABLE Mr.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)Nos.21359 and 21360 of 2015

W.P.(MD)No.21359 of 2015:

M.Mahadir ... Petitioner

Vs.

The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram. ... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to levy property tax forthwith on the petitioner's property comprised in Survey No.317/1A of an extent of 8100 sq.ft., situate at Rajasuryamadai Village and on the basis of the petitioner's representation dated 13.11.2015 within the time stipulated by this Court.

W.P.(MD)No.21360 of 2015:

Sulaiha Bivi ... Petitioner

Vs.

The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram. ... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to levy property tax forthwith on the petitioner's property comprised in Survey No.317/1A of an extent of 5314 sq.ft., situate at Rajasuryamadai Village and on the basis of the petitioner's representation dated 13.11.2015 within the time stipulated by this Court.

For Petitioners: Mr.M.Seeni Sulthan
For Respondent : Mr.Seathu Jawahar,

COMMON ORDER

In both these Writ petitions the respective petitioners seek for assessment of property tax on their respective properties referred to in the Writ petitions.

2.The grievance of the petitioners is that even though their title to the properties has been confirmed by the competent Civil Court by passing a decree in their favour, the respondent / Municipality has not come forward to levy property tax.

3.Mr.Seethu Jawahar, learned counsel, who takes notice for the respondent, based on instruction submitted that the petitioners herein have not put up any construction in their respective properties and on the other hand, the said properties are lying as a vacant site and therefore, the petitioners are not entitled for levy of property tax and however, the respondent / Municipality can impose vacant site tax on the petitioners' properties. Therefore, he submitted that within a time stipulated by this Court the respondent / Municipality will levy and impose vacant site tax on the respective petitioners by issuing appropriate communication.

4.Recording the above said submission made by the learned counsel appearing for the respondent / Municipality, the Writ petitions are disposed of with a direction to the respondent / Municipality to consider the claim of the petitioners for imposing tax on their property and issue appropriate demand notice imposing appropriate tax on the respective petitioners' land within a period of 4 weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To
The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

+2CC to Mr.M.Seeni Sulthan,Advocate, SR.No. 680605 and 68606,
+2CC to Mr.Sethu Jawakar, Advocate, SR.No. 69116

W.P.(MD)Nos.21359 and 21360 of 2015

AM/07.12.2015/SK.SKN/SAR-I/2P/6C