

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WP No.20459 of 2016 and WMP No.17562 of 2016

No.90 Kattavakkam Village Panchayat
rep. By its President R.Narasimman .. Petitioner

Vs

1. The Superintendent of Police,
Kancheepuram District, Kancheepuram.
2. The Inspector of Police,
B-5, Walajabad Police Station,
Walajabad, Kancheepuram District.
3. Block Development Officer,
(Village Panchayat), Walajabad Panchayat Union,
Walajabad, Kancheepuram District.
4. Inno Geo City,
Oragadam City Developers (P) Ltd.,
Rep. By its Executive Director,
No.05, Giri Street, T.Nagar,
Chennai - 600 017. .. Respondents

Prayer:- Writ Petition filed under Article 226 of The Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 and 2 to provide police protection so as to enable the petitioner to seal the houses situated within the compound of Inno Geo City, Vilagam Village, Walajabad Taluk, Kancheepuram District either for non-payment of property tax or payment of lesser amount of property tax so fixed by the petitioner for the assessment from the month of April 2012 to March 2017 to invoke the provision of Revenue Recovery Act for collection of arrears of property tax in respect of houses constructed in Sector No.I.

For Petitioner : Mr.P.Mani

For RR1 and 2 : Mr.C.Emalias
Addl. Public Prosecutor

ORDER

This petition has been filed seeking a writ of Mandamus, directing the respondents 1 and 2 to provide police protection so as to enable the petitioner to seal the houses situated within the compound of Inno Geo City, Vilagam Village, Walajabad Taluk, Kancheepuram District either for non-payment of property tax or payment of lesser amount of property tax so fixed by the

petitioner for the assessment from the month of April 2012 to March 2017 to invoke the provision of Revenue Recovery Act for collection of arrears of property tax in respect of houses constructed in Sector No.I.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3. It is the case of the petitioner that the 4th respondent has to pay property tax to the Panchayat and that the same has not been paid till date. While so, the 4th respondent filed WP No.22958 of 2016 before this Court, challenging the distraint warrant issued by the panchayat for collection of property tax and this Court by order dated 05.07.2016 had granted time for the 4th respondent to pay the tax.

4. The petitioner, who is the panchayat President has approached this Court by WP No.20459 of 2016 for a direction to the police to give protection to the officials of the Panchayat for executing the distraint warrant.

5. In this connection, the petitioner has given a complaint dated 20.06.2016 to the Inspector of Police, B-5, Walajabad Police Station, Walajabad, Kancheepuram District (the 2nd respondent) in which the petitioner enquiry is pending in CSR No.223 of 2016 .

6. Under such circumstances, the 2nd respondent police is directed to conduct thorough enquiry in CSR No.223 of 2016 by calling both the parties and if it is found that the 4th respondent has not paid the tax, it is the duty of the police to give police protection to Panchayat Officials to proceed against the 4th respondent for executing the distraint warrant, if any.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Kancheepuram District, Kancheepuram.

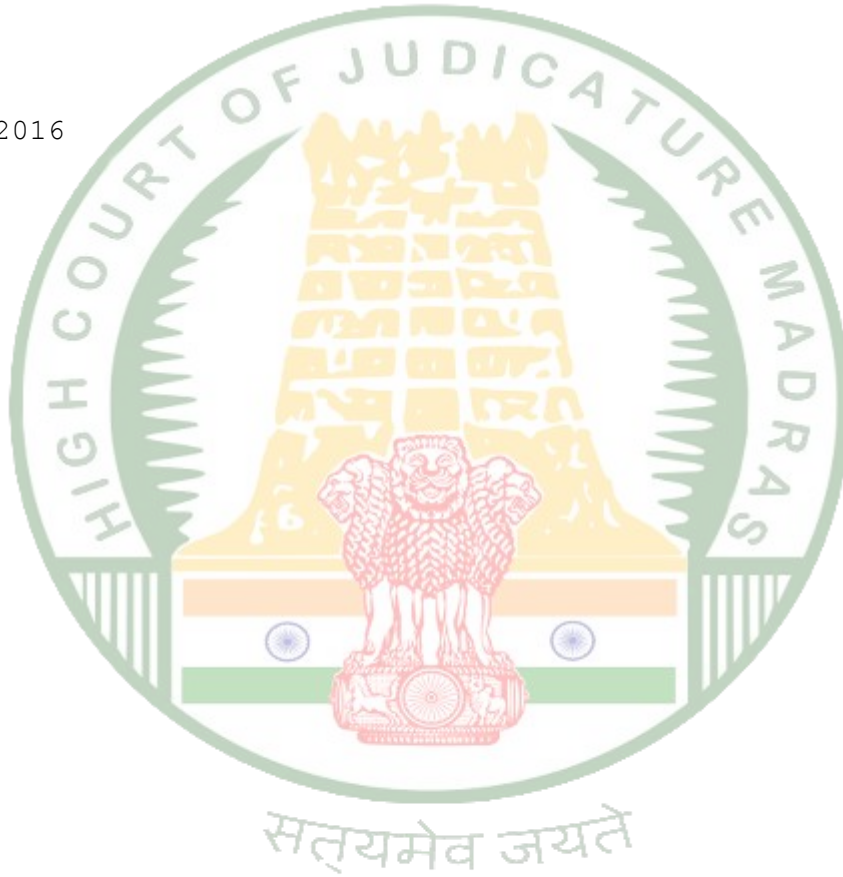
2. The Inspector of Police,
B-5, Walajabad Police Station,
Walajabad, Kancheepuram District.

3. Block Development Officer,
(Village Panchayat), Walajabad Panchayat Union,
Walajabad, Kancheepuram District.

1 cc to Mr.P.Mani, Advocate, sr.47883

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