

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.37985 and 38518 of 2003 &
W.M.P.Nos. 46126, 46127, 46748 & 46749 of 2013

A.Manivasagan .. Petitioner in W.P.No.37985 of 2003
M.Shankar .. Petitioner in W.P.No.38518 of 2003

Vs

- 1.The Secretary to Government
Municipal Administration & Water Supply Dept
Fort.St.George, Chennai 9.
- 2.The Commissioner of Municipal Administration
Chepauk, Chennai 5.
- 3.The Commissioner
Dharmapuri Municipality
Dharmapuri.

.. Respondents in both W.Ps.

PRAYER IN W.P.No.37985 of 2003: Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records of the Commissioner, Dharmapuri Municipality, assessed for Rs.5,062/- vide Notice No.12948, Asst.No.15366 for Door No.15-4/16 for the year 2002-2003 and quash the same and also issue direction to the Commissioner, Dharmapuri Municipality to assess property tax as resolved by the Municipal Council, Dharmapuri in resolution No.194 dated 25.09.2002.

PRAYER IN W.P.No.38518 of 2003: Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records of the Commissioner, Dharmapuri Municipality, assessed for Rs.1,922/- vide Notice No.004123, Asst.No.16709 for Door No.1A, and quash the same and also issue direction to the Commissioner, Dharmapuri Municipality to assess property tax as resolved by the Municipal Council, Dharmapuri in resolution No.194 dated 25.09.2002.

For Petitioners : Mr.S.Kumaravel
(in both WPs)

For Respondents :Mr.R.Rajeswaran - R1 & R2
(in both WPs) Special Govt.Pleader

Mr.S.Muthu Selvam - R3
Govt. Advocate

C O M M O N O R D E R

Heard Mr.S.Kumaravel, learned counsel for the petitioners, Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 & 2 and Mr.S.Muthu Selvam, learned Government Advocate appearing for the third respondent and with their consent, the Writ Petitions are taken up for final disposal.

2.The petitioners have filed these Writ Petitions challenging the proceedings initiated by the respondent Municipality and demanding enhanced property tax and for a consequential direction to assess the property in terms of the resolution of the Municipal Council dated 25.09.2002.

3.The Writ Petitions were admitted by this Court and an interim stay was granted on condition that the petitioner should not be in arrears of undisputed tax continue to pay the same until further orders.

4.When the matter is heard today, it is seen that the respondents though have entered appearance through the counsel, have not filed any counter affidavit. Therefore, at this stage to grant them further opportunity to file counter affidavit and contest the matter on merits is not feasible.

5.In the light of the fact that the interim orders are in force till date and the petitioners rely upon the resolution of the respondent Municipality, the Writ Petitions are allowed and the impugned orders are quashed and the respondent Municipality is directed to issue fresh notice to the petitioners and proceed in accordance with law, after affording fair and reasonable opportunity to the petitioners. No costs. Consequently, connected Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

rpa

To

1.The Secretary to Government
Municipal Administration & Water Supply Dept
Fort.St.George, Chennai 9.

2.The Commissioner of Municipal Administration
Chepauk, Chennai 5.

3.The Commissioner
Dharmapuri Municipality
Dharmapuri.

+ 1 cc to Government Pleader Sr.19690
+ 2 ccs to Mr.S. Muthuselvam, Advocate Sr.20028, 20027

W.P. Nos. 37985 and
38518 of 2003

RSY (CO)
Eu.13.4.16



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