



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1421 of 2016

and

C.M.P. (MD) No.6955 of 2016

1. Vasantha Rani
2. Vasantha Inigo
3. Manohari Cardoso

(The petitioner Nos.1 & 3 are
represented by their Power of

Attorney the 2nd petitioner herein) .. Petitioners/3rd Parties/
3rd Parties

Vs.

Thoothukudi Municipal Corporation
Through its Commissioner,
Thoothukudi.

... Respondent/Respondent/
Defendant/Respondent

Prayer: Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 31.01.2012 in C.M.A.No.22 of 2010 on the file of the Subordinate Court, Thoothukudi confirming the Judgment and Decree in I.A.No.233 of 2010 in O.S.No.52 of 2010 on the file of the Principal District Munsif, Thoothukudi.

For Petitioners : Mr. K.Chengiz Khan

ORDER

This Revision is directed against the order passed by the Subordinate Court, Tuticorin in C.M.A.No.22 of 2010, dated 31.01.2012 confirming the order of the Principal District Munsif Court, Tuticorin in I.A.No.233 of 2010 in O.S.No.52 of 2010.

2. The petitioners have filed the suit in O.S.No.52 of 2010 against the respondent, Tuticorin City Municipal Corporation for declaration declaring that the notice in Na.Ka.No.6511/2006/A5 is null and void and consequential permanent injunction. They also filed an application in I.A.No.233 of 2010 under Order 39 Rule 1 of C.P.C., seeking for interim injunction.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned District Munsif dismissed the application



observing that Ex.P.1 notice was only to give an intimation to pay the amount within three days, failing which, action under Sections 478 and 479 of Thoothukudi City Municipal Corporation Act, will be initiated by Tuticorin City Municipal Corporation, against the petitioners to recover the tax due.

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4. The order of the Trial Court was confirmed by the Appellate Court holding that the petitioners are not entitled for interim injunction. Challenging the order, the present Revision is filed.

5. Heard, Mr.K.Chengiz Khan, learned counsel for the petitioner and perused the records.

6. The learned counsel for the petitioner would submit that the respondent, Municipality has to issue notice under Section 81 of Tamil Nadu District Municipalities Act, giving 15 days time to recover the amount. However, in this case only three days time was granted, therefore the petitioners are entitled for interim injunction.

7. I do not agree with the contention of the learned counsel for the petitioners. The communication relied on by the petitioners is only an intimation. The respondent/Municipality has not initiated recovery proceedings. Therefore, I do not find any merits in this Revision.

8. In fine, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Thoothukudi.

2. The Principal District Munsif , Thoothukudi.

+1 cc to MR.G.PRABHU RAJADURAI, Advocate SR.No.38442

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