



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12373 of 2016

1.P.G.Ayyadurai

2.P.G.Krishnakumar

.. Petitioners

vs.

The Commissioner
Madurai corporation
Madurai

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to consider the petitioners representation dated 4.7.2016 and to measure the petitioners building consisting of commercial portion and residential portion separately situated in the same door No.9/1/1A Jawahar 2nd Street, SS Colony Ward No.18 Madurai.

For Petitioners :Mr.T.K.Gopalan

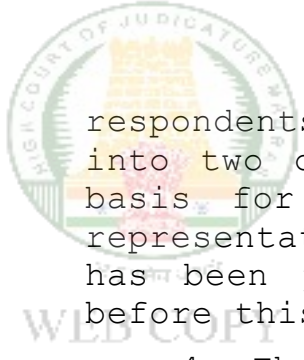
For Respondent :Mr.R.Prabhu Ramachandran

ORDER

The petitioner herein claiming to be the owner of the property bearing Door No.9/1/1A Jawahar 2nd street, S.S.Colony, Ward No.18, Madurai, has come to this Court seeking a writ of Mandamus to direct the respondent Commissioner, Madurai Corporation to measure his building consisting of commercial building and residential portion separately.

2. Mr.R.Prabhu Ramachandran takes notice for the respondent Corporation.

3. The learned counsel for the petitioner submitted that when the petitioner has come to this Court in W.P.(MD) No.3309 of 2016, seeking a similar relief, namely, for measurement of another property, a direction was issued and they have also measured it and accordingly, he is paying the property tax. Similarly, in the present case also, when the petitioner is owning a property having total extent of 15504 sq. ft., out of which, 5502 sq. ft is residential area and 10002 sq. ft is commercial area, the



respondents without splitting the total extent of the building into two divisions, they have levied property tax on commercial basis for the entire area. Therefore, the petitioner made a representation on 04.07.2016 to the respondents. Since no order has been passed on the said representation, the petitioner is before this Court.

4. The learned counsel for the respondent, on instructions, would submit that the respondents agreed to go for measuring the petitioner's property, so that both parties will be knowing, which is the commercial area and the residential area and for measuring the property, the respondents seek time.

5. Accepting the submission, the respondents are directed to measure the property within a period of four weeks from today. Till such time, there shall be an order of status quo.

With the above direction, this writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

The Commissioner
Madurai corporation
Madurai

+1cc to Mr.PT.S.Narendravasan, Advocate SR.No.36600
+1cc to Mr.R.Prabhu Ramachandran, Advocate SR.No.36613

RR

sm:KBM:26.07.2016:2P/4C

W.P. (MD) No.12373 of 2016
14.07.2016