



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15207 of 2016

and

W.M.P. (MD) .No.11205 of 2016

C.R.Prem Sekar

...Petitioner

Vs.

1. The Madurai City Municipal Corporation
through its Commissioner,
Aringar Anna Maaligai,
Tallakulam,
Madurai 625 002.

2. The Assistant Commissioner,
Madurai Corporation,
Zone No.2, Race Course Road,
Madurai 625 002.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari pertaining to the impugned Japthi Notice dated Nil relating to Assessment No.22706 in Door No.1-A, Vijayalakshmi Theatre Road, Viswanathapuram, Madurai 625 014 and to quash the same as illegal, void and ultra virus.

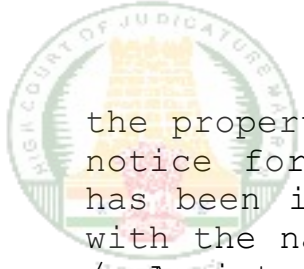
For Petitioner : Mr.N.Murugesan

For Respondents : Mr.N.Shanmuga Selvam

O R D E R

The petitioner has come to this Court challenging the impugned proceedings dated Nil relating to Assessment No.22706 in Door No.1-A, Vijayalakshmi Theatre Road, Viswanathapuram, Madurai 625 014 and to quash the same as illegal.

2. The property situated at Door No.1-A, Vijayalakshmi Theatre Road, Viswanathapuram, Madurai originally belongs to the petitioner's mother C.R.Lalithambal. Since she died intestate, the said property was allotted to the petitioner's sister and brother. However, her sister has executed the release deed in favour of the petitioner and his brother. Later on, his brother C.R.Chandran also has executed another registered partition release deed in favour of the petitioner on 15.07.2010 and this is how, the entire property has been transferred in his name. The respondent Corporation also transferred the property in question in favour of the petitioner on 03.08.2011 and the petitioner has been paying



the property tax. While so, without issuing any provisional demand notice for revising the tax, the present impugned japthi notice has been issued without even mentioning the date, time and year, with the name of the petitioner alone. Since the second respondent /Assistant Commissioner, Madurai Corporation has issued the present impugned japthi notice, without mentioning the date and other relevant particulars, this Court directed the second respondent to be present to explain as to how such a impugned japthi notice can be issued. Pursuant to the order, he appeared before this Court tendering his unconditional apology stating that this type of mistake will not occur in future and he also submitted that in view of routine work, he has failed to mention the date, month and year. On that score, he sought for liberty to issue a fresh order.

3. Considering his explanation offered before this Court, this Court finding that the impugned japthi notice has been issued without application of mind and the same is liable to be quashed. Therefore, the impugned order is quashed. However, liberty is given to the second respondent to pass proper proceedings mentioning all the particulars.

4. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Commissioner,
Madurai City Municipal Corporation,
Aringar Anna Maaligai,
Tallakulam, Madurai 625 002.

2. The Assistant Commissioner,
Madurai Corporation,
Zone No.2, Race Course Road,
Madurai 625 002.

W.P. (MD) No.15207 of 2016
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