

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.6034 of 2017

&

W.M.P.No. 6462 of 2017

Dr. S. Sankaran

...Petitioner

Vs.

1. The Commissioner
Salem Municipal Corporation,
Salem - 636 001
2. The Assistant Commissioner,
Salem Municipal Corporation,
Asthampatti Ward,
Salem - 636 003.

.....Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents to delete the assessment nos. 2079375, 2079382 and 2079383 and for remission and reassessment as vacant land with respect to the land in No.74/1, Rajaji Road, ward No.15, Asthampatti, Salem.

For Petitioner ... Ms. Elizabeth Ravi

For Respondents... Ms. K. Bhuvaneswari
Standing Counsel for
Municipal Corporation.

WEB COPY

ORDER

This writ petition is filed for a Mandamus directing the respondents to delete the assessment Nos. 2079375, 2079382 and 2079383 and for remission and reassessment of the property as vacant land situated at No.74/1, Rajaji Road, Ward No.15, Asthampatti, Salem.

2. Ms. K. Bhuvaneswari, learned Standing Counsel takes notice on behalf of the respondents and by consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage.

3. It is seen that the subject matter property was originally put into use for running a Hospital. It is claimed that the said Hospital was closed as early as on 31.03.2012 itself. Therefore, according to the petitioner, the assessment made in respect of the said property was not correct. On the other hand, it has to be re-assessed by considering it as a vacant property in accordance with Section 127(1) of the Salem City Municipal Corporation Act, 29 of 1994. This Court, at this stage, is not inclined to express any view on the claim made by the petitioner as it is for the respondents to consider and decide the same on its own merits and in accordance with law. Therefore, though this writ petition is filed seeking for a positive mandamus, this Court is inclined only to direct the respondents to consider the representation made by the petitioner dated 25.12.2015 and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi/at

To

1. The Commissioner
Salem Municipal Corporation,
Salem - 636 001

2. The Assistant Commissioner,
Salem Municipal Corporation,
Asthampatti Ward,
Salem - 636 003.

+1cc to Mr.K.Bhuvaneswari,Advocate sr.16059

+1cc to M/s.Elizabeth ravi,Advocate sr.15707

W.P.No.6034 of 2017

nm1 (co)

ss(22/3/2017)