

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM

THE HON'BLE Mr. JUSTICE **M.M.SUNDRESH**

W.P.No.9602 of 2017
& W.M.P.No.10560 of 2017

P.Praveen Prabhu
Proprietor, Sri Akila Castings,
Super B-4A, Industrial Estate,
Guindy, Chennai-600 032.

.. Petitioner

Vs.

The Commissioner,
Maraimalai Nagar Municipality,
Maraimalai Nagar,
Kancheepuram District-603 209.

.. Respondent

Writ Petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to directing the respondent not to take any further action pursuant to the Final Notice dated 29.03.2017 issued by the respondent to the petitioner pending disposal of the appeal dated 13.01.2015 filed by the petitioner before the Taxation Appeal Committee, Maraimalai Nagar Municipality.

For Petitioner .. Mr.V.V.Giridhar

For respondent .. Mr.S.Diwakar,
Special Government Pleader

ORDER

The sum and substance of the case of the petitioner is that despite pendency of the appeal dated 13.01.2015, a final notice has been issued on 29.03.2017 requiring the petitioner to pay the property tax.

2. The learned counsel appearing for the petitioner would submit that an appeal has been filed as early as on 13.01.2015 and therefore, without awaiting the same, the respondent cannot be allowed to proceed with.

3. This Court finds some force in the arguments made. A final notice was issued on 29.03.2017, whereas, the appeal has been pending from 2015 onwards before the Taxation Appeal Committee, Maraimalai Nagar Municipality. In such view of the matter, this Court is inclined to direct the Taxation Appeal Committee, Maraimalai Nagar Municipality, to dispose of the appeal dated 13.01.2015 within a period of eight weeks from the date of receipt of a copy of this order. Till such time, there shall not be any coercive steps to recover the property tax in pursuant to the final notice dated 29.03.2017. It is made clear that if the appeal is disposed of already, this order will not stand in the way of the respondent to proceed further.

4.The writ petition stands disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

27.04.2017

Note: Issue order copy on 04.05.2017

Index:Yes/No
raa

To

The Commissioner,
Maraimalai Nagar Municipality,
Maraimalai Nagar,
Kancheepuram District-603 209.

M.M.SUNDRESH, J.

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