

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. No.5725 of 2017

and WMP.No.6110 of 2017

M/s.Ananda Steel Industries
Rep. by its Managing Partner
P.Parangusam
C-3, Industrial Estate,
Thattanchavady
Puducherry 605 009.

.. Petitioner

Vs

The Commissioner
Oulgaret Municipality
Puducherry 605 005.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus calling for the records relating to the Auction Demand Notice Ref: No.1069/House tax/Revenue/U.Na/2015 dated 01.02.2017 issued by the respondent demanding to pay a sum of Rs.87,152/- for the period 1999-2000 and quash the same and consequentially directing the respondent to process the application for licence dated 10.02.1994 immediately.

For Petitioner : Mr.Vijay Shankar

For Respondents: Mrs.Reena Iswariya,
Addl.Govt.Pleader (P)

ORDER

1. The petitioner is aggrieved against the demand notice dated 01.02.2017, wherein and whereby the petitioner was called upon to pay the property tax to the tune of Rs.87,152/-.

2. Heard the learned counsel for the petitioner and the respondent Municipality.

3. What is under challenge in this writ petition is only a demand notice. If the petitioner is aggrieved against the demand, it is for him to give proper explanation/objection explaining and satisfying the respondent as to how the demand is

bad. In fact, the petitioner, pursuant to an earlier demand notice dated 21.01.2016 made his objections in writing on 02.05.2016 and also sought for an opportunity of personal hearing.

4. The learned counsel for the respondent submitted the objection filed by the petitioner dated 02.05.2016 is still pending and the respondent would consider the same and pass appropriate orders on merits and in accordance with law.

5. From the above said facts and circumstances and considering the very fact that the petitioner has already approached the respondent and filed their objection on 02.05.2016, it is for the respondent to consider such objection and pass appropriate orders after giving an opportunity of personal hearing to the petitioner. Such exercise shall be done by the respondent within a period of four weeks from the date of receipt of a copy of this order. In the meantime, the impugned demand notice shall be kept in abeyance. It is also made clear that this Court is not expressing any view on the claim made by the petitioner on merits as the matter is remitted back to the respondent to consider and decide.

6. Accordingly the writ petition is disposed of. No costs. Connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dpq

To
The Commissioner
Oulgaret Municipality
Puducherry 605 005.

+1 cc to M/s.Usharamman Advocate sr 15414

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