IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.32979 of 2017

N.Sadasivam .. Petitioner

Vs.

1. The Regional Director of
Municipal Administration,
GST Road, Chengalpattu-603 001.

2. The Commissioner,
Chengalpattu Municipality,
Chengalpattu,
Kancheepuram District-603 001. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to consider and dispose of the petitioner's appeal dated 08.03.2013 based on the petitioner's representation, dated 25.01.2017, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran
For Respondents : Mr.S.Diwakar, Spl.G.P. for R-1
Ms.K.Bhuvaneswari,
Govt. Advocate for R-2

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to consider and dispose of the petitioner's appeal dated 08.03.2013 based on the petitioner's representation, dated 25.01.2017, within a time frame to be fixed by this Court.

2. It is the case of the petitioner that he received an attachment notice, dated 28.01.2006 from the second respondent, calling upon the petitioner to pay a sum of Rs.11,554/- as property tax in respect of the property purchased by the petitioner in Plot No.B-75, Alagesan Nagar, Chengalpattu Town, Kancheepuram District, in which the house was constructed

thereon with ground plus first floor. The petitioner sent reply on 10.03.2006 stating that he would pay necessary tax, provided proper notice is issued to him. It is the grievance of the petitioner that he had been charged extra-payment comparing to the other houses in the locality. The second respondent informed the petitioner that only after paying the tax assessed to his property for the year 2005 to 2007 at Rs.13,592/- for the ground floor and Rs.9,516/- for the first floor, the petitioner could prefer appeal. The petitioner thereafter received a notice dated 26.12.2012 from the second respondent stating that based on the report of the Revenue Assistant and the Revenue Inspector, the second respondent cancelled the property tax assessed for the first floor of the said property and it was further informed to the petitioner that the resolution for cancellation, will be issued to the petitioner only after he pays a sum of Rs.44,176/- as property tax assessed in Assessment No.320121. Thereafter, the petitioner made a representation dated 05.01.2013 and 08.01.2013 to the second respondent requesting him to apply the same norms as property tax to his house based on his neighbours' property tax assessment. As there was no response from the second respondent, the petitioner preferred an appeal dated 08.03.2013 to the first respondent. The petitioner received a final demand notice, dated 12.03.2015 from Chengalpattu Municipality demanding the petitioner to pay a sum of Rs.59,128/- for the years 2007-2015. Since no action was taken by the first respondent on the said appeal, the petitioner preferred a representation dated 25.01.2017 to the second respondent requesting him to apply the same charge as property tax to the petitioner, as applied for others in Alagesan Nagar. Since the said representation dated 25.01.2017 was not considered, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the limited scope of the prayer made in this Writ Petition, taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the first respondent to dispose of the appeal, dated 08.03.2013, if the same is still pending and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order, after hearing the petitioner, complainant, if any, and other persons who are likely to be affected. If the appeal is already disposed of, a copy of the order passed in the said appeal, shall be furnished to the petitioner.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AR-J)

//True Copy//

Sub Assistant Registrar

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To

1. The Regional Director of Municipal Administration,
   GST Road, Chengalpattu-603 001.

2. The Commissioner,
   Chengalpattu Municipality,
   Chengalpattu, Kancheepuram District-603 001.

+ 1 cc to Mr.S. Sathia Chandran, Advocate Sr.91042
+ 1 cc to Government Pleader Sr.91985

W.P.No.32979 of 2017

(AR-J)
EU(24/01/2018)