

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No. 22873 of 2017

and

W.M.P.No.24051 of 2017

- 1.Rangammal
2. S.Ponnusamy
3. K.Arulmani
4. J.Ravi
5. K.Ravi Chandran

... Petitioners

Vs.

1. The Executive Officer,
Sirumugai Town Panchayat,
Sirumugai,
Coimbatore District - 641302.

- 2.A.Subbaian
- 3.A.Natarajan
- 4.A.Pushparaj
- 5.A.Krishnasamy

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 1st respondent, from cancelling the property tax and water tax, in respect of the properties belonging to the petitioners situated at Door No. 13/11, 13/11A, 13/17, 13/3, 13/8, 13/9, 13/10, 13/20, East Street, comprised in SF No. 308/2A, 308/2, 308/21, 308/26, 327/1, 308/16, Sirumugai Village, Sirumugai Town Panchayat, Mettupalayam Taluk, Coimbatore District, without affording opportunity of hearing to the petitioners and conducting a proper enquiry, in accordance with law.

For Petitioner : Mr.N.Anand Venkatesh

For R1 : Mr.V.S.Ramesh, Govt. Advocate

ORDER

The writ petition is for issuance of Writ of Mandamus, forbearing the 1st respondent from cancelling the property tax and water tax, in respect of the properties belonging to the petitioners situated at Door No. 13/11, 13/11A, 13/17, 13/3, 13/8, 13/9, 13/10, 13/20, East Street, comprised in SF No. 308/2A, 308/2, 308/21, 308/26, 327/1, 308/16, Sirumugai Village, Sirumugai Town Panchayat, Mettupalayam Taluk, Coimbatore District, without affording opportunity of hearing to the petitioners and conducting a proper enquiry, in accordance with law.

2. Heard the learned counsel for the petitioners as well as the learned Government Advocate for the first respondent.

3. This Court by order dated 15.03.2016 made in W.P.No. 9023 of 2013 filed by the respondents 2 to 5, directed the respondents 2 to 5 to give a fresh representation to the first respondent herein along with a copy of that order and on receiving such representation, the first respondent was directed to consider the same, after notice to the respondents 2 to 5 and the petitioners herein in person and to pass a reasoned order on merits and in accordance with law, within a period of four months from the date of representation of the respondents 2 to 5 herein.

4. The first respondent issued notices dated 24.06.2016 to the petitioners informing them that this Court directed the first respondent to cancel the property tax and water tax vide order dated 15.03.2016 made in W.P.No.9023 of 2013 and called upon them to submit a representation within ten days along with documents in the office of the first respondent. On receipt of the said notice, the petitioners gave representations dated 04.07.2016 to the first respondent by Registered post with acknowledgement due.

5. In view of the earlier order of this Court dated 15.03.2016 and limited prayer sought for by the petitioners, first respondent is directed to give a personal hearing to the petitioners and the respondents 2 to 5, to pass orders on merits and in accordance with law on considering the representations of the petitioners dated 04.07.2016 & representation of the respondents 2 to 5, if any and the documents, if any produced by the petitioners and respondents 2 to 5 at the time of hearing, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. Till final orders are passed, the first respondent is directed not to cancel the property tax and water tax. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msv/kj

To

The Executive Officer,
Sirumugai Town Panchayat,
Sirumugai,
Coimbatore District - 641302.

+1 cc to M/s.N.Anand Venkatesh Advocate sr 61525

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