

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.37198 of 2003

and

W.P.M.P.Nos.45126/2003 & 764/2009

Selvaraj

.. Petitioner

Vs.

The Commissioner,
Mettur Municipality,
Mettur,
Salem District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of demand notice made in Na.Ka.No.5431/A1 2002 dated 01.08.2003 and consequential distraint notice dated 22.09.2003 both on the file of the respondent quash the same.

For Petitioner : Mrs.V.Anandhi Devi for Mr.S.Doraisamy

For Respondent : Mr.S.Saravanan

ORDER

When the writ petition was taken up for hearing, Mrs.V.Anandhi Devi, learned counsel appearing for the petitioner submitted that the property tax levied upon the petitioner's property at S.No.26/75, Pillaiyar Koil Street, Mettur Dam-1, used as a Kalyana Mandapam for commercial purpose, is abnormal and it is exorbitant. The civil suit filed by the petitioner before the Court below was referred to the Lok Adalat after two years from the date of filing of the suit and the same is pending adjudication. After the adjudication was completed before the Lok Adalat, the petitioner submitted his willingness to pay one fourth of the demanded property tax amount by the respondent.

2. Learned counsel for the respondent submitted that the petitioner had filed the said civil suit before the District Munsif Court, Mettur in O.S.No.407 of 2000. The District Munsif returned the plaint with a direction to file suit in the

District Court, Salem, since he has no jurisdiction. But the petitioner has filed this writ petition before this Court without complying with the order of the District Munsif Court, Mettur in O.S.No.407 of 2000. He further submitted that the suit property was assessed to property tax at Rs.45,373/- from 1999-2000-II. The demand notices were served on the petitioner for each and every half year. So far, demand notices from 2000-01 - I to 2004-05 - II have been served on the petitioner, and total sum amounts to Rs.4,23,048/-

3. The petitioner has also not availed the statutory remedy in OS No.407/2000. Even though the matter was initially posted before the Lok Adalat, the contention of the petitioner that the matter has been pending before the Lok Adalat, is not correct. Taking note of the fact that the matter is not pending before Lok Adalat and that there is not much substantial ground to interfere with the demand made by the Municipality, the petitioner is directed to pay the amount demanded by the respondent and also pay the amount up-to-date with due interest as per the statute within a period of one month from the date of receipt of a copy of this order, failing which it is open for the authorities to take action under the Tamil Nadu District Municipalities Act, 1920 and proceed with the same. Learned counsel for the petitioner seeks permission for the petitioner to approach the appellant authority. After a period of 14 years, this Court is not inclined to accept the plea of the petitioner and give an opportunity to approach the appellate authority. Hence, the writ petition is dismissed. Consequently, connected W.P.M.P.Nos.45126/2003, 764/2009 and W.V.M.P.No.1504/2005 are closed. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

sts

To:

The Commissioner,
Mettur Municipality,
Mettur,
Salem District.

+1 CC to Mr.S. Doraisamy, advocate sr 49558

+1 Cc to Mr.S. Saravanan, Advocate sr 49500

W.P.No.37198 of 2003

RR (CO)

sp (04/09/2017)