IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.37801 of 2003
W.P.M.P.Nos.45921 of 2003 and 1558 of 2005

P.Kandaswamy .. 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 final demand notice made in Na.Ka.No.6/2000/F1 dated 05.05.2003 and consequential distraint notice dated 20.12.2003 both on the file of the respondent quash the same.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.S.Saravanan

ORDER

When the writ petition was taken up for hearing, Mr.S.Doraisamy, learned counsel appearing for the petitioner submitted that the property tax was levied upon the petitioner's property at S.No.24/30A, Square Market, Mettur Dam -1, which is situated at mixed zone and it is not rented to anybody and is vacant from September 1997 onwards, and the said property tax levied is abnormal and exorbitant. The civil suit filed by the petitioner before the Court below was returned and thereafter, the matter was referred to the Lok Adalat and the same was pending adjudication. Thereafter, 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.417 of 1999. The District Munsif

returned the plaint, since he has no jurisdiction and the petitioner was directed to approach the District Court, Salem. But the petitioner has filed this writ petition before this Court without complying with the direction of the District Munsif, Mettur in O.S.No.417 of 1999. He further submitted that the suit property was assessed to property tax at Rs.62,646/- from 1997-1998 to 2002-2003. The demand notices were served on the petitioner for each and every half year. Then the respondent has issued a distraint notice for the due of Rs.72,274/- in respect of the property tax for the period form 1997-1998-II to 2003-2004-II.

3. The petitioner has also not availed the statutory remedy in OS No.417/1999. 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 miscellaneous petitions are closed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:
The Commissioner,
Mettur Municipality,
Mettur, Salem District.

+1cc to Mr.S.Saravanan, Advocate SR.No.75833

+1cc to Mr.S.Doraisamy, Advocate SR.No.75801

Order in
W.P.No.37801 of 2003

SDR 23.11.2017