

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.38570 of 2003

W.P.M.P.Nos.46807 of 2003 and 874 of 2005

Bakiammal

.. 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.2926/2000/A1 dated 22.12.2003 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 levied upon the petitioner's property at D.No.22/20, Cooly Lane, Mettur Dam-1, is abnormal and 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. 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.100 of 2000. The District Munsif returned the plaint, since he has no jurisdiction and he was directed to approach the District Court, Salem. 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.100 of 2000. He further submitted that the suit property was assessed to property tax at Rs.11,190/- from 1998-1999-II to 2003-2004-I. The demand notices were served on the petitioner for each and every half year.

3. The petitioner has also not availed the statutory remedy granted by the District Munsif in OS No.100/2000. 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 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.Doraisamy Advocate SR.No.75800

+1cc to S.Saravanan Advocate SR.No.75835

Order in
W.P.No.38570 of 2003

SDR 23.11.2017