



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.01.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) Nos.625 to 630 of 2017

and

W.M.P (MD) Nos.486, 487, 488, 489, 490, 491 of 2017

W.P (MD) No.625 of 2017 to 630 of 2017:-

- 1.R.Ponvendhan
- 2.R.Velaiya
- 3.R.Jayaparpathy

... Petitioners in all WP's

Vs.

The Commissioner/Executive Authority,
Tuticorin City Municipal Corporation,
Tuticorin - 628 001.

... Respondent in all WP's

Prayer in WP(MD)NO.625 of 2017:

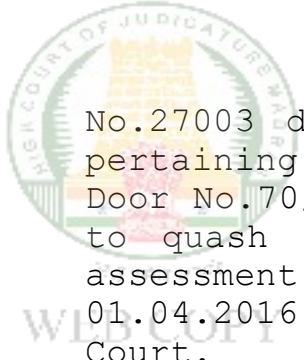
Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Special Notice No.27004, dated 17.11.2016 on the file of the respondent herein, pertaining to the Assessment No.380612 over the property bearing Door No.70, Bala Vinayagar Koil Street, Tuticorin - 628 002, and to quash the same, and direct the respondent to make a fresh assessment over the property, as per the Rules, with effect from 01.04.2016, within a time frame as may be fixed by this Hon'ble Court.

Prayer in WP(MD). 626/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the Special Notice No.27000 dated 17.11.2016 on the file of the respondent herein, pertaining to the Assessment No.40004184 over the property bearing Door No.70/2, Bala Vinayagar Koil Street, Tuticorin - 628 002, and to quash the same, and direct the respondent to make a fresh assessment over the property, as per the Rules, with effect from 01.04.2016 within a time frame as may be fixed by this Honble Court.

<https://hservices.ecourts.gov.in/hservices/> Prayer in WP(MD). 627/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the Special Notice



No.27003 dated 17.11.2016 on the file of the respondent herein, pertaining to the Assessment No.40004186 over the property bearing Door No.70/4, Bala Vinayagar Koil Street, Tuticorin - 628 002, and to quash the same, and direct the respondent to make a fresh assessment over the property, as per the Rules, with effect from 01.04.2016 within a time frame as may be fixed by this Honble Court.

Prayer in WP(MD). 628/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the Special Notice No.27005 dated 17.11.2016 on the file of the respondent herein, pertaining to the Assessment No.380613 over the property bearing Door No.70/1, Bala Vinayagar Koil Street, Tuticorin - 628 002, and to quash the same, and direct the respondent to make a fresh assessment over the property, as per the Rules, with effect from 01.04.2016 within a time frame as may be fixed by this Honble Court.

Prayer in WP(MD). 629/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the Special Notice No.27002 dated 17.11.2016 on the file of the respondent herein, pertaining to the Assessment No.40004187 over the property bearing Door No.70/5, Bala Vinayagar Koil Street, Tuticorin - 628 002, and to quash the same, and direct the respondent to make a fresh assessment over the property, as per the Rules, with effect from 01.04.2016 within a time frame as may be fixed by this Honble Court.

Prayer in WP(MD). 630/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the Special Notice No.27001 dated 17.11.2016 on the file of the respondent herein, pertaining to the Assessment No.40004185 over the property bearing Door No.70/3, Bala Vinayagar Koil Street, Tuticorin - 628 002, and to quash the same, and direct the respondent to make a fresh assessment over the property, as per the Rules, with effect from 01.04.2016 within a time frame as may be fixed by this Honble Court.

(In All W.Ps)

<https://hcservices.ecourts.gov.in/hcse/Petitions>

: Mr.S.Subbiah

For Respondent

: Mr.Saji Bino

(For all the WP Nos.)

**COMMON ORDER**

The petitioners have filed these writ petitions challenging the notice issued by the respondent, dated 17.11.2016, determining the property tax, in respect of the various properties belonging to them.

2. Since the issue involved in all the Writ Petitions is one and the same, all the writ petitions are disposed by a common order.

3. The case of the petitioners is that on 17.11.2016, the respondent sent a notice to the petitioners determining the annual valuation of the property tax of the petitioners' buildings and calling upon the petitioner to state their objections. Pursuant to the said notice, the petitioners had given their objections to the respondent on 30.12.2016. However, the same has not been considered so far. Hence, they have filed these writ petitions.

4. The learned counsel appearing for the petitioners submitted that the assessment of the property tax by the respondent without adopting the procedure as contemplated under Section 4 of the Tamil Nadu Buildings (Lease and Rent) Control Act, is totally illegal.

5. The learned standing counsel appearing for the respondent represents that the petitioners had in this regard claimed to have filed their objections and in case such objection is received, the same will be considered on its own merits.

6. In view of the submission made by the learned counsel appearing on both sides, there shall be a direction to the respondent to consider the petitioners' objections made in their representation, dated 15.12.2016 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. In the meantime, there shall be a direction to the respondent to refrain from taking any coercive steps against the petitioners with regard to payment of property tax, till the disposal of their respective objections.

With the above direction, these Writ Petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)



To

The Commissioner/ Executive Authority,
Tuticorin City Municipal Corporation,
Tuticorin - 628 001.

PM

PSM/RR-BS/01.02.2017/4P/2C

W.P. (MD) Nos. 625 to 630 of 2017
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