



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.06.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.8425 of 2017

and

WMP (MD) Nos.6417 and 6418 of 2017

N.Shanmuganathan

..Petitioner

Vs

1. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2. The Assistant Commissioner,
Thachanallure Zone,
Tirunelveli Corporation,
Tirunelveli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari by calling for the records, pertaining to the impugned order passed by the second respondent dated December 2016 in Na.Ka. No.A1/3554/2015 and quash the same.

For Petitioner : Mr.G.Mohankumar

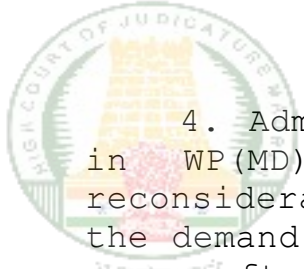
For Respondent : Mr.Ayiram K.Selvakumar
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the second respondent dated December 2016 in Na.Ka. No.A1/3554/2015 and quash the same.

2. By consent of both parties, the main Writ Petition is taken up for disposal.

3. The main grievance of the petitioner is that without giving any break up details, the respondent Municipality has demanded huge amount of Rs.5,42,819/-.



4. Admittedly, this Court in similar facts quashed the order in WP(MD) No.13060 of 2010 and remanded the case for reconsideration. In that case, the petitioner had deposited 50% of the demand to comply the conditional order. The petitioner in this case, after issuance of the impugned order has paid Rs.1,30,000/- to the respondent Municipality and now he undertakes to pay another one lakh to the respondent within a period of three weeks.

5. The learned Counsel appearing for the respondent would submit that the order impugned in the Writ Petition came to be issued in the month of December 2016, but subsequently the respondent has demanded arrears from the other tenants giving break up details and the respondent is also ready to issue an order afresh.

6. In view of the submissions made by the learned Counsel on either side, this Court is of the considered opinion the impugned order is liable to be set aside and accordingly it is set aside. As per undertaking, the petitioner shall pay Rupees one lakh within a period of three weeks from the date of a receipt of a copy of this order. The respondent is directed to issue fresh order in accordance with law, however, at that time the respondent shall take into consideration the amount already paid by the petitioner.

7. In the result, the Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

+1 cc to Mr.Ayiram K.Selvakumar , Advocate in SR.No. 59037
+1 cc to Mr.G.Mohan Kumar , Advocate in SR.No. 59129

TA/CP
AE/SV/SAR3/14.07.2017/2P/3C

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