BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.468 of 2016

W.M.P.(MD) Nos.384 and 385 of 2016

S.Balavindan ..Petitioner

Vs

1.The Commissioner,
Karaikudi Municipality - 630 001.
Sivagangai District.

2.S.Narayanan

3.M/s.Sijatha's,
a Partnership Firm,
Rep. by its Partner A.S.Shelvakumar,
No.1-A, 1st Floor, P.E.Koil North Mada Street,
Ayanavaram,
Chennai - 600 023. ..Respondents

Prayer: Writ Petition 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 proceedings in Rc.No.4686/2015/A2, dated 09.06.2015, on the file of the first respondent herein and to quash the same and to direct the first respondent to assess and levy the property tax for the properties purchased by the petitioner, under the sale deed dated 18.10.2013 registered as Document Nos.6982, 6983, 7672 and 7673 of 2013, in the building bearing Old Door No.72/9-13, Ambalpuram 2nd Street, Karaikudi Town, within a time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.K.K.Senthil

For 1st Respondent : Mr.P.Mahendran

For 2nd Respondent : No appearance

For 3rd Respondent : Mr.G.Saravanakumar

ORDER

The petitioner has approached this Court seeking quashment of the proceedings in Rc.No.4686/2015/A2, dated 09.06.2015, on the file of the first respondent herein and to quash the same and to direct the first respondent to assess and levy the property tax for the properties purchased by the petitioner, under the sale deeds dated 18.10.2013 registered as Document Nos.6982, 6983, 7672 and 7673 of 2013, in the building bearing Old Door No.72/9-13, Ambalpuram 2nd Street, Karaikudi Town, within a time frame.

2.By the impugned order dated 09.06.2015, the first respondent refused to assess property tax to the premises owned by the petitioner on the ground that there was deviation from the sanctioned plan. The said proceedings is under challenge in this writ petition on various grounds.

3.Notice was ordered to the respondents and Mr.P.Mahendran, the learned counsel appeared for the first respondent and Mr.G.Saravanakumar appeared for the third respondent.

4.A detailed counter affidavit has been filed on behalf of the first respondent, wherein at paragraph 9 it is stated as follows:

> "9.It is further respectfully submitted that the 2nd respondent has made an application before the first respondent on 2.7.2015 requesting for revised plan approval with further deviation. This respondent has forwarded the above request of the writ petitioner to the Deputy Director of Town and Country Planning, Sivagangai who is competent authority for his permission vide letter dated 21.7.2015 vide Na Ka No.78/15/F1. On receipt of the said application, the Deputy Director of Town and Country Planning, Sivagangai had issued proceedings to the first respondent dated 11.8.2015 vide Na Ka 1320/2015/C.M.3, has issued a direction that after submission of proper documents by the original owners and other residents as per check list, the request of the petitioner can be considered. This direction has been communicated to the 2nd respondent by the first respondent vide letter dated 18.8.2015. Thus the revised plan approval in respect of the said building is pending."

5.As per the above averments, the second respondent has filed application for revised plan approval to the Deputy Director of Town and Country Planning, Sivagangai and the same is being processed and according to the third respondent all the requirements for sanction of revised plan has been complied with.

sj

6.Since the revised plan approval is pending consideration before the competent authority, the question of assessment in respect of the property will have to be looked into only after granting approval by the competent authority.

7.In view of the above narrative, the Writ Petition is disposed of with a direction to the 2nd and 3rd respondents to pursue the matter before the competent authority for earlier decision in this matter and as and when a decision is taken by the competent authority regarding the revised plan said to have been submitted by the second respondent, the first respondent shall take a decision regarding the question of assessment of property tax to the premises owned by the petitioner as early as possible. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Karaikudi Municipality – 630 001.
Sivagangai District.

+1cc to Mr. B.Janeel arasu, Advocate Sr.No.52346
+1cc to Mr. K.K.Senthil, Advocate Sr.No.52397
+1cc to Mr. P.Mahendran, Advocate Sr.No.52676

sj

vb/skn/rsk/sar4/02.05.2017/3p/5c

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