



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1577 of 2011
and M.P. (MD) No.1 of 2011

N.A.Kathiya Bevi

... Appellant/Petitioner

Vs.

1.Madurai Corporation Represented by its
Commissioner,
Anna Maligai,
Tallakulam,
Madurai - 2.

2.The Assistant Commissioner,
East Zone,
Madurai Municipal Corporation,
New Ramnad Road,
Madurai - 9.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.1077 of 2011 dated 02.11.2011.

Prayer in WP(MD). 1077/ 2011 :

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 of the respondents resulting in the 2nd respondents impugned demand notice dated Nil and Attachment notice dated Nil bearing the assessment No.94065 in respect of the petitioners house property situated at No.75/A, Munichalai Road, Madurai - 625 009 quash the same and forbearing the respondents their men, agent or subordinates or anybody else through them from in any manner demanding the exorbitantly increased property tax, drainage tax or drainage contribution deposit and drainage maintenance charges in respect of the petitioner's house situated at No.75/A Munichalai Road, Madurai 625 009.

For Appellant

: Mr.V.R.Venkatesan

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

For Respondents

: Mr.R.Murali

Standing Counsel

**JUDGMENT**

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

The writ appeal has been preferred against the order of the learned Single Judge dated 02.11.2011, passed in W.P.(MD) No.1077 of 2011.

2.Heard the learned counsel appearing for the appellant and the learned Standing Counsel appearing for the respondents and also perused the materials available on record.

3.We do not find any merit in this appeal as the learned Single Judge has merely directed the appellant to avail the alternative remedy. Hence, this Writ Appeal is dismissed. However, taking into consideration the pending appeal, the appellant is given four weeks time from the date of receipt of a copy of this order to avail the statutory remedy. In case the appellant proceeds with the statutory remedy, the authority concerned is directed to decide the same on its own merit without being influenced by the order of this Court. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner,
Madurai Corporation Represented by its
Anna Maligai,
Tallakulam,
Madurai - 2.

2.The Assistant Commissioner,
East Zone,
Madurai Municipal Corporation,
New Ramnad Road,
Madurai - 9.

+2ccs to Mr.V.R.Venkatesan, Advocate in SR.No.69921

sj

AE/SKN RSK/SAR2/09.08.2017/2P/5C