



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.(MD)Nos.4556, 5392, 5393 and 6486 of 2013

WEB COPY

and

M.P.(MD).Nos.1,1,1 and 1 of 2013

W.P(MD).No.4556 of 2013

K.Pandian, aged 50 years,
S/o.P.M.Karupanan,
Correspondent,
Cheran Matriculation Higher Secondary
School, Vennamalai,
Kathaparai Village Panchayat,
Karur - 639 006.

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 09.

2.The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai - 600 015.

3.The District Collector,
Karur District,
Collectorate, Karur.

4.The President,
Kathaparai Village Panchayat,
Karur Panchayat Union,
Kathaparai, Karur - 639 006.

5.The President,
Punnam Village Panchayat,
Karur Panchayat Union,
Karur.

.. Respondents

W.P(MD).No.5392 of 2013

N.P.Kothai,
W/o.P.Natesan,
Chairman,
Dr.P.N.Educational and Charitable Trust,
No.2, Vishalnest Apartments,
Tamil Nadu Sahitya Akademi,
Back to TNEB, Covai Road,
Karur-639 002.

.. Petitioner



Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 09.

2.The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai - 600 015.

3.The District Collector,
Karur District,
Collectorate, Karur.

4.The President,
P. Kadampankurichi Panchayat,
Kadampankurichi Panchayat,
Kadampankurichi Post,
Karur District.

.. Respondents

W.P(MD).No.5393 of 2013

V.Eswari, aged 56 years,
W/o.K.Vadivel,
Secretary,
Rasama Matriculation School,
Pathakaliamman Nagar,
Vettamangalam Village and Panchayat,
Karur District.

.. Petitioner

Vs.

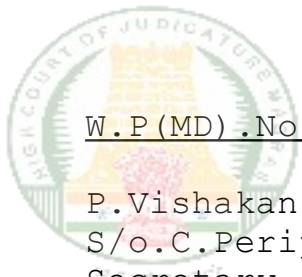
1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 09.

2.The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai - 600 015.

3.The District Collector,
Karur District,
Collectorate, Karur.

4.The President,
Vettamangalam Village Panchayat,
Vettamangalam Post,
Karur -639 117.

.. Respondents



W.P(MD) .No.6486 of 2013

P.Vishakan, aged 40 years,
S/o.C.Periyasamy,
Secretary,
Pon Foundation Trust,
No.23D, Vivekananda Nagar 11th Cross,
Sengunthapuram, Karur - 639 002.

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 09.

2.The Commissioner,
Rural Development and Panchayat Raj Department,
Panagal Building,
Chennai - 600 015.

3.The District Collector,
Karur District,
Collectorate, Karur.

4.The President,
Manmangalam Village Panchayat,
Manmangalam Post,
Karur District.

.. Respondents

COMMON PRAYER: Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 to 5, 3 & 4, 3 & 4, respondents respectively, to levy house tax at minimum rate without any surcharge for the petitioners' School and Educational Institution.

For Petitioners	: Mr.R.Narayanan
For R1 to 3	: Mr.J.Gunaseelan Muthiah Government Advocate

For R4 & R5 in WP(MD) 4556/13 and R4 in Other WPs.	: Mr.N.S.Karthikeyan Additional Government Pleader
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COMMON ORDER

These Writ Petitions have been filed for issuance of a Writ of Mandamus seeking a direction to the respondents to levy house tax at minimum rate without any surcharge for the petitioners' School.



2. It is the case of the petitioners that their schools are run by a trust. The third respondent has instructed all the panchayat in Karur District to levy property tax to the private schools situated in their corresponding village panchayats for the years from 2008-2009 to 2011-2012 at the rate of Rs.1/- per square feet along with 60% surcharge for commercial buildings. According to the petitioners, they are providing educational services to poor students. It is the further case that the respondents are collecting property tax at the rate of Rs.0.50 per square feet for educational institutions, and the same now increased in an arbitrary manner and aggrieved they submitted representations dated 11.02.2013, 28.02.2013 and 19.03.2013, which have not been considered by the respondents so far and hence the petitioners are before this Court with the above said prayer.

3. The learned Government Advocate appearing for the respondents has submitted that in some cases, the Association had given the representations and not by the individual school, that too, in the year 2013 and in the event of the school submitting an individual fresh representation to the District Collector, the same will be considered and appropriate orders passed thereon.

4. In view of the above submission, these writ petitions are disposed of, permitting the petitioners to file a representation afresh to the District Collector within a period of two weeks from the date of receipt of a copy of this order and on such representation being filed, the same shall be considered and necessary orders passed thereon on merits and in accordance with law, within a period of four weeks thereafter, after affording an opportunity of hearing to the petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 09.

2.The Commissioner,
Rural Development and Panchayat Raj Department,
Bamangol, Bamangol,
Chennai - 600 015.



3.The District Collector,
Karur District,
Collectorate, Karur.

4.The President,
Kathaparai Village Panchayat,
Karur Panchayat Union,
Kathaparai, Karur - 639 006.

5.The President,
Punnam Village Panchayat,
Karur Panchayat Union,
Karur.

6.The President,
P. Kadampankurichi Panchayat,
Kadampankurichi Panchayat,
Kadampankurichi Post,
Karur District.

7.The President,
Vettamangalam Village Panchayat,
Vettamangalam Post,
Karur -639 117.

8.The President,
Manmangalam Village Panchayat,
Manmangalam Post,
Karur District.

+1cc to Special Government Pleader, SR.No. 80856, 80857, 80860,
80866, 80868

+1cc to M/S.R.Narayanan, Advocate SR.No. 80414

W.P. (MD) Nos.4556, 5392, 5393
and 6486 of 2013
20.09.2017

RM

SDS-SKN RSK-SAR 4- 02.11.2017:5P/11C