

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2018

CORAM

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.8059 of 2018

P.Madaiyan

...Petitioner

v.

1.The Secretary to Government of Tamil Nadu
Municipal Administration
Fort St. George, Chennai - 9.

2.The Taxation Appeal Committee
Dharmapuri Municipality
Dharmapuri

3.The Commissioner
Dharmapuri Municipality
Dharmapuri

4.The Zonal Director
Municipality Administrator and Water Supply Board
Salem.

...Respondents

Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus, directing
the respondents to dispose of the petitioner's representation
dated 19.02.2018.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.J.Pothiraj
Spl. Govt. Pleader (T)- for R1,
R2 & R4

Mr.M.Elumalai
Government Advocate (T) - for R3

ORDER

Heard Mr.M.Selvam, learned counsel appearing for the petitioner. Mr.J.Pothiraj, learned Special Government Pleader accepts notice for the respondents 1, 2 and 4 and Mr.M.Elumalai, learned Government Advocate accepts notice for the 3rd respondent. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks for issuance of Writ of Mandamus to direct the respondents to dispose of his representation dated 19.02.2018.

3. It is pointed out by the learned counsel appearing for the 3rd respondent-Municipality that the petitioner has admitted that he is occupying a land classified as Railway Poromboke.

4. Since the petitioner is an encroacher of Railway land, the 3rd respondent-Municipality cannot assess the construction put up on the said land to the property tax as it is an illegal construction.

5. In view of the above, this court cannot issue a Writ of Mandamus as sought for by the petitioner. Hence, this writ petition is dismissed. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

To

1.The Secretary to Government of Tamil Nadu
Municipal Administration
Fort St. George, Chennai - 9.

2.The Taxation Appeal Committee
Dharmapuri Municipality
Dharmapuri

3.The Commissioner
Dharmapuri Municipality
Dharmapuri

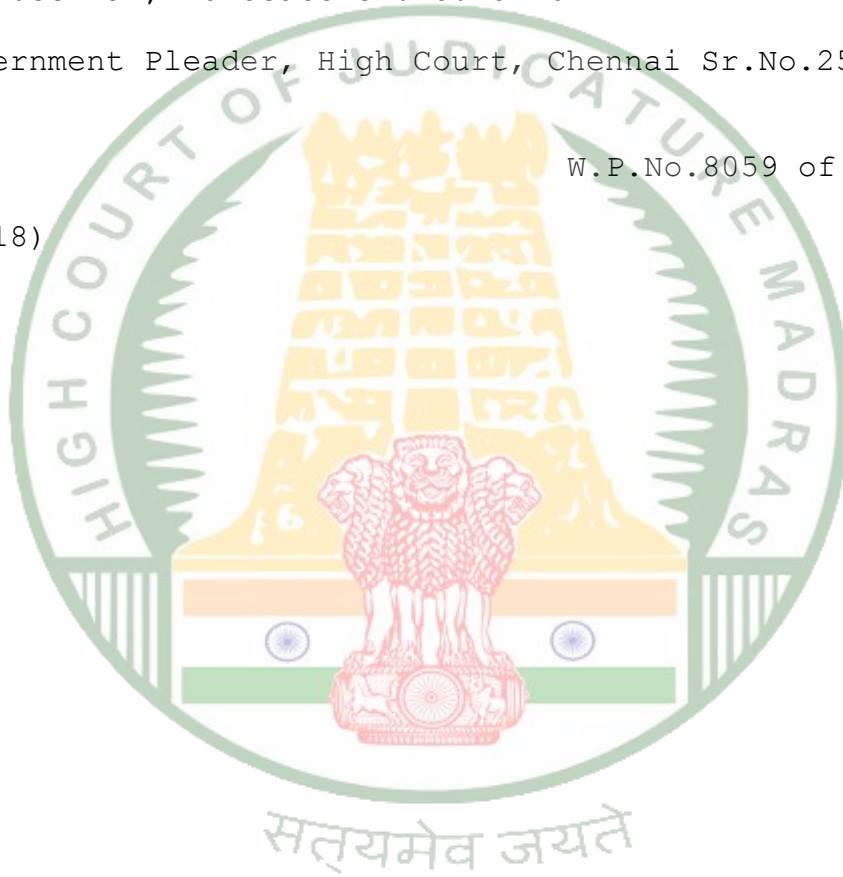
4.The Zonal Director
Municipality Administrator and Water Supply Board
Salem.

+1 CC to Mr.M.Selvam, Advocate Sr.No.25716

+1 CC to Government Pleader, High Court, Chennai Sr.No.25960

W.P.No.8059 of 2018

KP(18/04/2018)



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