

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.04.2018

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No. 5734 of 2018  
and  
W.M.P.No. 7075 of 2018

T.M.Mohamed Riyaz

...Petitioner

Vs.

1. The Commissioner,  
Pollachi Municipality,  
108, Palghat Road,  
Municipal Office,  
Pollachi - 642 001.

2. R.Senthil Kumar

3. R.Thirumalai Kumar

4. Annapurni

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent in notice dated 05.03.2018 and quash the same and further direct the 1<sup>st</sup> respondent from interfering with premises in 304, Town Police Station Road, Pollachi - 642 001.

For Petitioner : Mr.I.Abrar Md Abdullah

For 1<sup>st</sup> Respondent : Mr.A.S.Thambuswamy  
Standing Counsel

For R2 to R4 : No appearance

O R D E R

Heard Mr.I.Abrar Md Abdullah, the learned counsel appearing for the petitioner and Mr.A.S.Thambuswamy, the learned Standing Counsel for the first respondent/Municipality. Despite the fact that the respondents 2 to 4 have received notice, which has been sent from the Court, they have not chosen to appear. Thus, it appears that they are not interested to contest the matter.

2. The petitioner is a tenant under the respondents 2 to 4 in respect of the premises, in which, he is carrying on garment business under the name and style ''Kurinji Silks''. The monthly rent payable by the petitioner to the respondents 2 to 4 is Rs.3,475/-. The petitioner would state that the rents have been regularly paid. The order, impugned in this Writ Petition, is a demand raised by the first respondent/Municipality, demanding property tax payable by the owners of the premises, viz. respondents 2 to 4, which has not been paid from the year 1993-94 onwards.

3. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to clear the arrears, provided, reasonable time is granted. Further, it is submitted that, specific direction may be issued to the first respondent/Municipality to receive the payment from the petitioner.

4. The learned Standing Counsel for the first respondent/Municipality submitted that the first respondent/Municipality has never refused to receive the payment from the petitioner.

5. In the light of the above, the petitioner is directed to clear the arrears of property tax within six months from the date of receipt of a copy of this order. The payment shall be made in installments and as and when the payments are remitted within six months, the first respondent/Municipality shall receive the same without raising any objections. The property tax payable for the subsequent period shall also be remitted by the petitioner. On remittance made by the petitioner towards the property tax, the arrears and current dues shall be recovered from the owners of the property, viz., respondents 2 to 4. Till the expiry of the time limit fixed by the Court, the first respondent/Municipality is restrained from initiating any coercive action against the petitioner.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

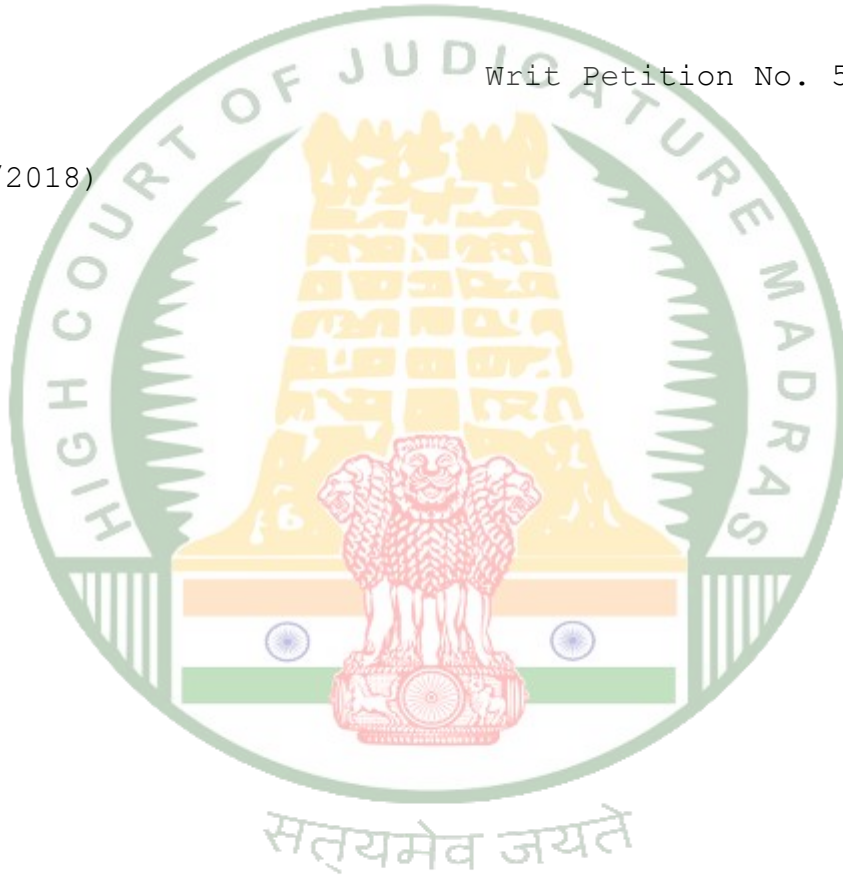
To

The Commissioner  
Pollachi Municipality,  
108, Palghat Road,  
Municipal Office,  
Pollachi - 642 001.

+1 CC to Mr.I.Abrar Md Abdullah Advocate SR.NO.29096  
+1 CC to A.S.Thambuswamy Advocate SR.NO.29379

Writ Petition No. 5734 of 2018

RV(CO)  
VC (16/05/2018)



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