

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.17919 of 2011
and M.P.No.1 of 2011

Mr.G.Manoharan

... Petitioner

-vs-

1.The Commissioner,
Vellore Municipal Corporation,
Vellore.

2.The Revenue Inspector,
Vellore Municipal Corporation,
Vellore.

3.The Revenue Assistant,
Vellore Municipal Corporation,
Vellore.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the entire records leading to issue of impugned order No.94031/WD/48 dated 04.07.2011 on the file of the first respondent and to quash the same and consequentially direct the respondents to follow the Principal District Munsif Court decree made in O.S.No.344/1994 dated 31.08.1998 and issue fresh notice and give opportunity in accordance with law before passing any order.

For Petitioner : Mr.C.Thilagaraj

For Respondents : No Appearance

O R D E R

Heard Mr.C.Thilagaraj, learned counsel for the petitioner.
None appears for the respondent / Municipality.

2. The petitioner has filed this writ petition challenging a demand issued by the respondent / Municipality demanding arrears of property tax.

3. First among the several contentions raised before this Court is on the ground that the respondent has not issued any show cause notice and without giving an opportunity, the impugned demand has been raised. Though the interim order was granted on condition, which was complied with, and the writ petition is pending since 2011, the respondents have not filed any counter-affidavit. Therefore, this Court is inclined to accept the stand taken by the petitioner.

4. In the result, this writ petition is allowed, the impugned demand is set aside giving liberty to the respondent / Municipality to issue a fresh notice within a period of fifteen days from the date of receipt of a copy of this order. The payment already made by the petitioner pursuant to the interim order granted by this Court shall be abide by the orders to be passed after issuing the show cause notice. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

abr
To

1.The Commissioner,
Vellore Municipal Corporation,
Vellore.

2.The Revenue Inspector,
Vellore Municipal Corporation,
Vellore.

3.The Revenue Assistant,
Vellore Municipal Corporation,
Vellore.

+1cc to Mrs.C.Thilagaraj, Advocate Sr.36925

W.P.No.17919 of 2011

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srg 26/06/2018