

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2018

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.1201 of 2018 &
W.M.P.No.1508 of 2018

P.Natarajan

.. Petitioner

vs.

1.The Commissioner
Dharapuram Municipality
New Police Station Road
Dharapuram - 638 656

2.The Revenue Inspector
Dharapuram Municipality
New Police Station Road
Dharapuram - 638 656

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the 1st respondent in the impugned Final Assessment Order vide Notice No.154/025/00455, dated 29.12.2017 and the consequential Final Demand Notice No.13353 dated 08.01.2018 and to quash the same.

For Petitioner : Mr.V.B.R.Menon
For Respondent : Mr.P.Srinivas
Standing Counsel

ORDER

Mr.P.Srinivas, learned Standing Counsel, takes notice for the respondent. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Certiorari to call for the records of the 1st respondent in the impugned Final Assessment Order dated 29.12.2017 and the consequential Final Demand Notice dated 08.01.2018 and to quash the same.

3. The learned counsel appearing for the petitioner submitted that the impugned Final Assessment Order dated 29.12.2017 and the consequential Final Demand Notice dated 08.01.2018 were passed without giving any notice to the petitioner and also without giving an opportunity of hearing, which are violative of principles of natural justice.

4. Mr.P.Srinivas, learned Standing Counsel appearing for the respondent submitted that since the impugned orders have been passed without giving any notice and opportunity of personal hearing, the impugned orders may be set aside and the matters may be remitted back to the respondent for fresh consideration.

5. Having regard to the submissions made by the learned counsel on either side, since the Final Assessment Order and the Final Demand Notice were issued to the petitioner without giving any notice and opportunity of personal hearing, which are violative of principles of natural justice, the impugned orders passed by the respondent are liable to be set aside. Accordingly, the impugned orders dated 29.12.2017 and 08.01.2018 are set aside and the matters are remitted back to the respondent for fresh consideration. The respondent is directed to issue notice to the petitioner and after receiving the objections from the petitioner and also giving due opportunity of personal hearing, decide the matter afresh, on merits and in accordance with law, as expeditiously as possible.

With these observations, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

Rj

To

1.The Commissioner
Dharapuram Municipality
New Police Station Road
Dharampuram - 638 656

2.The Revenue Inspector
Dharapuram Municipality
New Police Station Road
Dharapuram - 638 656

+1cc to Mr.V.B.R.Menon, Advocate SR.No.16453

W.P.No.1201 of 2018 &
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BR(CO)
GN(13/03/2018)