

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.8497 to 8504 of 2013
and
M.P.Nos.1,1,1,1,1,1,1 & 1 of 2013

K.M.Jayaraman ... Petitioner
(in all W.Ps)
Vs.

The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi. ... Respondent
(in all W.Ps)

Prayer in W.P.Nos.8497, 8498 and 8500 of 2013:

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the enhanced property tax assessment order vide the impugned notices dated 18.1.2013, on the file of the respondent pertaining to the petitioner's shop bearing Door Nos.979/8, 979/9 and 979/10 situated at C.N.A.Road, Muslimpur, Vaniyambadi Town, Vellore District under its property tax assessment order numbers 18186, 18187 and 18188 and to quash the same as illegal incompetent and without jurisdiction and to consequently direct the respondent to remove the lock and seal which has been put on the aforesaid shops of the petitioner and to further pass appropriate orders restraining the respondent or his men or his agents or other subordinates from interfering in running the aforesaid shops except otherwise in a manner know to law, respectively.

Prayer in W.P.No.8499 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the enhanced property tax assessment order vide the impugned notice dated 18.1.2013, on the file of the respondent pertaining to the petitioner's shop bearing Door No.1057/D, situated at Ambedkar Nagar 1st Street, Vaniyambadi Town, Vellore District under its property tax assessment order number 9154 and to quash the same as illegal incompetent and without jurisdiction and to consequently direct the respondent to remove the lock and seal which has been put on the aforesaid shops of the petitioner and

to further pass appropriate orders restraining the respondent or his men or his agents or other subordinates from interfering in running the aforesaid shops except otherwise in a manner know to law.

Prayer in W.P.Nos.8501, 8502, 8503 & 8504 of 2013:

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the enhanced property tax assessment order vide the impugned notices dated 18.1.2013, on the file of the respondent pertaining to the petitioner's shop bearing Door Nos.1062/110A, 1062/110B, 1062/110 and 1062/110C situated at 3rd Street, Konamedu, Vaniyambadi Town, Vellore District under its property tax assessment order numbers 9155, 9156, 9184 & 9157 and to quash the same as illegal incompetent and without jurisdiction and to consequently direct the respondent to remove the lock and seal which has been put on the aforesaid shops of the petitioner and to further pass appropriate orders restraining the respondent or his men or his agents or other subordinates from interfering in running the aforesaid shops except otherwise in a manner know to law, respectively.

For Petitioner : Mr.V.Raghavachari
(in all W.Ps)

For Respondent : Mr.V.Shanmuga Sundar
Special Government Pleader
(in all W.Ps)

C O M M O N O R D E R

Heard Mr.V.Raghavachari, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondent and perused the materials available on record.

2. These writ petitions has been filed challenging the property tax assessment order made by the respondent in respect of the properties bearing Door Nos.979/8, 979/9 and 979/10 situated at C.N.A.Road, Muslimpur, Vaniyambadi Town, Vellore District, Door No.1057/D, situated at Ambedkar Nagar 1st Street, Vaniyambadi Town, Vellore District and Door Nos.1062/110A, 1062/110B, 1062/110 and 1062/110C situated at 3rd Street, Konamedu, Vaniyambadi Town, Vellore District.

3. According to the learned counsel for the petitioner, impugned orders have been passed against the principles of

natural justice, it is highly discriminatory and violative of Article 14 of the Constitution of India.

4. The learned Special Government Pleader appearing for the respondent submitted that the respondent is ready to pass orders afresh, after affording personal hearing to the petitioner and in accordance with law.

5. The orders impugned in these writ petitions are sought to be quashed mainly contending that no notice nor opportunity given before the orders came to be passed.

6. In the light of the above submissions, the orders impugned in these writ petitions are set aside and matter is remitted back to the respondent, who shall pass a property tax assessment order, after providing ample opportunity to the petitioner and in accordance with law.

7. Accordingly, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi.

+1 CC to Mr.V.Raghavachari, Advocate sr 50665.

W.P.Nos.8497 to 8504 of 2013

and

M.P.Nos.1,1,1,1,1,1,1 & 1 of 2013

SV(CO)
SP(14/08/2018)

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