

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2018

Coram

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

Writ Petition Nos.4848 of 2012
and
M.P.No.2 of 2012

Centre for Rural Health and Social Education,
Represented by its Secretary/Director,
Dr.Bennet Benjamin,
No.215/216, Kottaiyur Road,
Yelagiri Hills - 635 853. ...Petitioner

Vs.

The President,
Yelagiri Hills Panchayat,
Yelagiri Hills,
Vellore District - 635 853.Respondent

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, calling for the records on the file of the respondent relating to the impugned notice, dated 13.01.2012, bearing reference-nil and to quash the same.

For Petitioner : Mr.Bharathachakravarthy for
M/s. Sai Bharath and Ilan

For Respondent : No appearance

ORDER

Heard Mr.Bharathachakravarthy, the learned counsel appearing for the petitioner. None appears on behalf of the respondent.

2. The petitioner is a Society, registered under the Tamil Nadu Societies Registration Act, which is a charitable Organisation, functioning in the Yelagiri Hills for Rural, Health, Education and Upliftment of women etc. The petitioner is aggrieved by the impugned demand, which is a distraint

notice, which has been affixed in the Panchayat area, wherein, the names of the nine Organisations/persons have been mentioned, and one among them, is the petitioner.

3. The petitioner's specific plea is that, no order of assessment of property tax is passed after following the procedure under the Tamil Nadu Panchayats Act, and no demand was raised, and straightaway, distraint notice was issued, by publishing a public notice. This specific averment has not been denied by the respondent, by filing counter affidavit, though the Writ Petition was admitted on 29.02.2012, and order of stay is in force till date. Therefore, the Court is inclined to accept the stand taken by the petitioner, and accordingly, the Writ Petition is allowed and the impugned distraint proceedings are quashed insofar as the petitioner/Society is concerned. However, it is open to the respondent to proceed further in accordance with law, in respect of other Organisations/persons, as the distraint notice (impugned herein), which has been affixed in the Panchayat area, covers those Organisations as well. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To

The President,
Yelagiri Hills Panchayat,
Yelagiri Hills,
Vellore District - 635 853.

+1cc to M/s. Sai Bharath and Ilan, Advocate sr.no.6912

Writ Petition Nos.4848 of 2012

ss(co)
nr 26/02/2018

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