

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2018

Coram

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

Writ Petition No.4849 of 2012
and
M.P.No.2 of 2012

St.Charles School Represented
by its Correspondent Sr.Virgy,
Athanavur,
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 an Educational Institution, providing free education for poor children, and it is established and administered by a Society, which is a minority Organisation, registered under the Tamil Nadu Panchayats Act. 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 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 straight away, distraint notice was issued by publishing the 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 alone 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 other 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.

Writ Petition No.4849 of 2012

ss (co)
nr 26/02/2018

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