

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.14231 of 2018
and W.M.P.No.16806 of 2018

Hosur Small and Tiny Industries Association,
Rep. by its President, V.Gnanasekaran,
No.20-21, Sipcot Shopping Complex,
Opp. Lal Hosur, Krishnagiri District-635 126.

... Petitioner

vs.

- 1.State of Tamil Nadu,
Rep. by the Secretary,
Municipality Administrative Area
Water Supply,
Secretariat, Chennai.
- 2.The District Collector,
Collector Office,
Bangalore Main Road,
Krishnagiri, Krishnagiri District.
- 3.The Commissioner,
Hosur Municipality,
Hosur, Krishnagiri District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the third respondent to consider the representation of the petitioner dated 03.05.2018 and pass necessary orders.

For Petitioner : Mr.M.D.Thirunavukkarasu

For Respondents : Mr.R.P.Prathap Singh,
Government Advocate

O R D E R

Heard Mr.M.D.Thirunavukkarasu, learned counsel for the petitioner and Mr.R.P.Prathap Singh, learned Government Advocate for the respondents. With consent on either side, this writ petition is taken up for final disposal.

2. The petitioner is an Association consisting of members, who have established Micro, Small, Medium and Tiny Enterprises (MSME) at Hosur, which is an industrial city in the Krishnagiri District bordering Bengaluru. The petitioners are aggrieved by the action of the third respondent / Municipality in demanding enhanced licence fee for the industries that too with retrospective effect for the past five years.

3. Mr.M.D.Thirunavukkarasu, learned counsel for the petitioner submitted that repeatedly all the members of the petitioner Association are being threatened by the officials of the Municipality that, if they do not pay the enhanced licence fee along with the arrears for the past five years, their licence will be cancelled. It is further submitted that the members of the Association were shocked with the demand of enhanced fee, that too with retrospective effect for the past 5 years. The members of the petitioner Association established only small industries and are finding it difficult to sustain their livelihood. In this regard, a representation was sent to the third respondent on 03.05.2018, and since no action was initiated on the representation and in the meantime, the members of the petitioner Association were put under threat, the petitioner had approached this Court and filed this writ petition.

4. When the case came up for hearing on 13.06.2018, this Court directed the learned Government Advocate to get instructions in this matter. Accordingly, the learned Government Advocate has promptly obtained instructions from the third respondent / Municipality vide letter dated 13.06.2018. In the said letter, the third respondent would state that on 25.12.2014, a paper publication was given in the Tamil daily "Makkal Kural" informing about the proposed increase of the licence fee and giving an opportunity of written objections, if any. It is submitted that for such publication notice, no objection was received and the licence fee was revised and therefore, the third respondent is justified in demanding the same. The copy of the publication handed over before this Court is not very legible and therefore, this Court is unable to appreciate as to what are the contents of the public notice.

5. Be that as it may, though public notice has been given proposing to increase the licence fee / tax, the licensees should be put on individual notice especially when the increase is said to be implemented with effect from 2014 onwards by calling upon the individual members to pay the same in the year 2018.

6. The learned counsel for the petitioner submitted that without issuing any notice to the individual members and without affording any opportunity, there are oral demands made by the officials of the Municipality and therefore, the respondents should be directed to abide by the provisions of law.

7. Considering the submissions made by the learned counsel on either side and the written instructions given by the third respondent to the learned Government Advocate, this Court is inclined to dispose of the writ petition issuing appropriate directions. The members of the petitioner Association being individual licensees from whom enhanced licence fee is demanded by the respondent Municipality with retrospective effect, the third respondent Municipality is directed to issue individual notice to all the industries in the area in question and as to how they proposed to demand enhanced licence fee. The individual industries either jointly or severally are entitled to submit their representation, which shall be considered by the third respondent and fresh orders be passed, communicating the same to the individual members of the petitioner Association. Till then, no coercive action shall be initiated against the members of the petitioner Association. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-iv)

//True Copy//

Sub Assistant Registrar

abr

To

1. The Secretary to Government,
The State of Tamil Nadu,
Municipality Administrative Area
Water Supply,
Secretariat, Chennai.
2. The District Collector,
Collector Office,
Bangalore Main Road,
Krishnagiri, Krishnagiri District.

3.The Commissioner,
Hosur Municipality,
Hosur, Krishnagiri District.

+1cc to Mr.R.P.PRATHAP SINGH, Advocate, S.R.No.37813
+1cc to Mr.M.D.THIRUNAVUKKARASU, Advocate, S.R.No.37758
+1cc to the Government Pleader, S.R.No.37995

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KK(CO)
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