

In the High Court of Judicature at Madras

Dated : 25.6.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.15336 of 2018 & WMP.No.18224 of 2018

S.R.Uvanasuvan

...Petitioner

Vs

1.The Commissioner of Municipal
Administration, Ezhilagam
Annexe Buidling, IV Floor,
Chepauk, Chennai-5.

2.The Commissioner, Pallavaram
Municipality, III Main Road,
New Colony, Chrompet,
Chennai-44.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to accept property tax from the petitioner for the property situated at plot No.5, Boopathy Nagar, Keelkattalai, Chennai-117 and assessed to tax under property tax assessment Nos.007/015/03370, 03371, 03372 and 03373 without insisting on payment of garbage collection tax until door to door garbage collection is done.

For Petitioner : Mr.S.M.Muralidharan
For Respondent-1 : Mr.R.P.Pratap Singh, GA
For Respondent-2 : Mr.P.Srinivas

ORDER

Mr.R.P.Pratap Singh, learned Government Advocate accepts notice for the first respondent. Mr.P.Srinivas, learned Standing Counsel accepts notice for the second respondent. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks a direction to the second respondent - Municipality to accept the property tax without insisting upon garbage collection charges.

3. When the petitioner went to remit tax for his house property, it appears that the officials of the second respondent - Municipality refused to receive the property tax on the ground that he has to clear the arrears of garbage collection charges.

4. The petitioner would state that no facility of door to door collection of garbage is being provided by the second respondent - Municipality, that the second respondent - Municipality is lacking in civic amenities, that the petitioner was not even sent a demand for garbage collection charges and that therefore, the action of the second respondent - Municipality is without jurisdiction.

5. Mr.P.Srinivas, learned Standing Counsel appearing for the second respondent would submit that Pallavaram Municipality is the first in the State to have established a comprehensive solid waste management system, that vehicles have been deployed for collection of garbage from local area and after segregation in the vicinity, it is taken to solid waste management plant, which is situated far away from the populated area.

6. Now, under the Solid Waste Management Rules, 2016, there is a levy payable by the residents of the locality for implementation of the project, which is for the welfare of the public. In my considered view, the petitioner cannot resist payment of garbage collection charges and that the petitioner, who appears to be a pro-active person, should be gracious enough to accept the demand, since it is stated that Pallavaram Municipality is the first in the State to establish the solid waste management plant.

7. In any event, the petitioner submitted a representation dated 16.3.2018 and the same has been received by the Commissioner, as could be seen from the postal acknowledgment card.

8. Since the petitioner has expressed certain grievances, the writ petition is disposed of with a direction to the the second respondent to look into the representation of the petitioner dated 16.3.2018 and give a suitable reply within a period of three weeks from the date of receipt of a copy of this order. It is made clear that this Court has not passed any orders nor issued directions with regard to the validity of garbage collection charges, as this Court is of the opinion that the residents of the locality should coordinate with the local body to keep the entire municipal area in a clean and hygienic condition. No costs. Consequently, the connected WMP is closed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Commissioner of Municipal Administration,
Ezhilagam Annexe Buidling,
IV Floor, Chepauk, Chennai-5.

2.The Commissioner, Pallavaram Municipality,
III Main Road, New Colony,
Chrompet, Chennai-44.

+ 1 cc to Mr.S.M. Muralidharan, Advocate SR.39852

+ 1 cc to Mr.P. Srinivas, Advocate Sr.40331

WP.No.15336 of 2018&
WMP.No.18224 of 2018

(CS-DR)
EU(02/07/2018)



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