

In the High Court of Judicature at Madras

Dated : 20.7.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.15915 of 2018 & WMP.No.18907 of 2018

P.Mansidhappan

... Petitioner

Vs

The Executive Officer, Pennagaram
Town Panchayat, Pennagaram,
Dharmapuri District.

... Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned demand notice in No.53/2018 (A2) dated 31.5.2018 and quash the same as arbitrary, null, void and illegal.

For Petitioner :Mr.S.Sudarshan

For Respondent :Ms.Thanga Vadhana Balakrishnan,AGP

ORDER

Heard both.

2. The petitioner has filed this writ petition challenging a notice demanding property tax from the petitioner for the years from 2002-03 to 2018-19. The total amount demanded is Rs.11,96,679/-.

3. It is seen that the petitioner challenged the revision of property tax done by the respondent by filing a suit in O.S.No.50 of 2003 on the file of the District Munsif-cum-Judicial Magistrate Court, Pennagaram. The said suit was decreed by judgment and decree dated 27.4.2006, as against which, the respondent filed an appeal in A.S.No.40 of 2007 on the file of the Subordinate Court, Dharmapuri. The said first appeal was allowed by judgment and decree dated 12.9.2008 and the judgment and decree in the said suit were reversed by dismissing the said suit. As against the judgment and decree in the said first appeal dated 12.9.2008, the petitioner preferred a second appeal before this Court in SA.SR.No.78669 of 2016 and the same is stated to have been presented within the period of limitation.

4. It is submitted that since the Registry of this Court sought for certain documents, the said second appeal could not be numbered and the learned counsel for the petitioner submits that within a week, the said second appeal would be numbered.

5. Considering the fact that the petitioner filed a second appeal before this Court and is also moving for appropriate interim orders, the writ petition is disposed of and the impugned demand notice shall be kept in abeyance till 10.8.2018. By then, if the petitioner is unable to secure appropriate interim orders in the said second appeal, it is open to the respondent to enforce the impugned demand. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

RS

To

The Executive Officer,
Pennagaram Town Panchayat,
Pennagaram,
Dharmapuri District.

NRL (CO)
BM 06/08/2018

WP.No.15915 of 2018&
WMP.No.18907 of 2018

सत्यमेव जयते

WEB COPY