

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.19176 of 2018

The Coimbatore District Consumers
Cooperative Wholesale Stores Limited,
Rep., by its Managing Director,
R.S.Puram, Coimbatore-641 002.

... Petitioner

-vs-

Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.

.... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to consider the representation dated 14.02.2018 of the petitioner and to pass order, before the date that may be indicated by this Court.

For Petitioner : Mr.A.Praveen Kumar

For Respondent : Mr.R.Sivakumar,
Standing Counsel

O R D E R

Heard Mr.A.Praveen Kumar, learned counsel for the petitioner and Mr.R.Sivakumar, learned Standing Counsel accepting notice on behalf of the respondent.

2.With the consent on either side, this writ petition is taken up for final disposal.

3.The petitioner is a Society registered under the provisions of the Tamil Nadu Co-operative Societies Act and has been functioning in Coimbatore for the past 78 years. The State Government has invested Rs.71,00,000/- as share capital in the said society and on account of various problems faced by the Society, it has got an accumulated loss to the extent of Rs.61 Crores as of the year ending 2011-12. While the petitioner would admit that there is arrears of property tax payable by him from 1998 onwards, requested for some leniency in the matter.

4.The learned counsel for the petitioner has referred to Section 48 of the Coimbatore City Municipal Corporation Act, 1981, which states that no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the Corporation after the expiration of a period of 12 years from the last day of the period in respect of which the sum is claimed. Therefore, it is submitted that if the respondent resorts to attachment of properties, the entire activities of the petitioner society will come to the grinding halt, causing immense hardship to entire public in Coimbatore as well as the sub-urban areas. With the above facts, a representation has been given by the petitioner on 14.02.2018 to the respondent. Since the same has not been considered, the petitioner is before this Court.

5.Taking into consideration the limited relief sought for by the petitioner and that the petitioner is a society in which the State Government has invested substantial funds and as of now the financial position of the petitioner Society is in precarious condition, the respondent should consider the representation made by the petitioner in accordance with law.

6.In the result, this writ petition is disposed of by directing the respondent to consider the representation dated 14.02.2018 and afford an opportunity of hearing to the Joint Registrar / Managing Director of the petitioner society and take a pragmatic decision in the matter as expeditiously as possible preferably within a period of eight weeks' from the date of receipt of a copy of this order. Till then, no coercive action shall be initiated against the petitioner / properties for recovery of the arrears of property tax. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore-641 001.

+1cc to Mr.R.Sivakumar, Advocate, S.R.No.50625

+1cc to Mr.P.Anbarasan, Advocate, S.R.No.50256

W.P.No.19176 of 2018

VD(CO)
GSP(16/08/2018)