IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P. No. 47603 of 2006
and M.P.No.1 of 2006

St.Joseph's Teacher Training Institute
Rep.by its Correspondent & Principal
Sr.Margaret Daisy
Pagalpatti,
Pagalpatti Post,
Omalur Taluk, Salem District. ...Petitioner

Versus

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Rural Development (C2) Department,
Fort St.George,
Chennai.

2.The President & Executive Officer,
Pagalpatti Village Panchayat,
Pagalpatti Post,
Omalur Taluk,
Salem District. ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records pertaining to the demand notice dated 23.11.2006 in Assessment Number 1481 levying building tax on the buildings of the petitioner used for educational purposes, on the file of the 2nd respondent and quash the same.

For Petitioner : Mr. S.M.Edward Stanley

For Respondents : Mr. Govindasamy (for R1)
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Certiorari calling for the records pertaining to the demand notice dated 23.11.2006 in Assessment Number 1481 levying building tax on the buildings of the petitioner used for educational purposes, on the file of the 2nd respondent and quash the same.

2.Heard the learned Counsel appearing for the petitioner and the Special Government Pleader appearing for the first respondent.

3.The writ petition relates to payment of tax by the Educational Institutions to the Panchayat. This issue is covered by the decision of the learned Single Judge in ***Writ Petition No.26999 of 2008*** in the case of ***Kaamadhenu Arts And Science College vs The State Of Tamilnadu*** **on 30 July, 2010** and the relevant portion of the order is extracted hereunder:

"9. WHETHER THE LAW WAS UNCONSTITUTIONAL?

9. 1 The last argument was that by the Government Order amending the Rule (which are impugned in some other writ petitions), taxes are sought to be levied in respect of self-financing institutions since prior to that there was no levy of Property Tax cannot be accepted. As can be seen from the history of such levy of property tax set out in the earlier part of this judgment, the law was that always the Self-financing institutions are covered by the Property Tax Rules and were not exempted from payment of Property Tax. On the other hand, the Government Order which granted exemption was made under Section 242 of the Panchayat Act. Such an exemption will have to be strictly construed. The legal position before and after the present Tamil Nadu Panchayat Act was enacted was that even aided institutions which start self-financing courses will be subject to payment of property tax. Even those institutions cannot challenge the coverage under the Property Tax because there is no fundamental right to get an exemption from Property Tax is available to them."

wherein, this Hon'ble Court rejected the claim of the Educational Institutions, holding that the Educational Institutions are also enjoying the benefits given by the local bodies. Accordingly, Educational Institutions has to pay the tax demanded by the Village Panchayat.

M.DHANDAPANI,J.,

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5.In view of the above legal position, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

21.06.2018

Index : Yes/No
Internet : Yes/No
rm

To

1.The Secretary,
Government of Tamil Nadu,
Rural Development (C2) Department,
Fort St.George,
Chennai-9.

2.The President & Executive Officer,
Pagalpatti Village Panchayat,
Pagalpatti Post,
Omalur Taluk,
Salem District.

WP.No.47603 of 2006