



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 21.03.2018

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

W.P. (MD) No.4282 of 2018

S.S.Kubendran

... Petitioner

**Vs.**

1. The Commissioner,  
Madurai Corporation,  
Madurai.

2. The Assistant Commissioner,  
Region No.IV, Madurai Corporation,  
Madurai.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to restore the drainage service connection to the petitioner's building bearing D.no.29, West Masi Street, Madurai, with immediate effect.

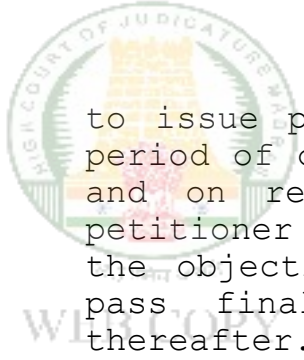
For Petitioner : Mr.PT.S.Narendravasan  
For Respondents : Mr.R.Prabhu Ramachandran  
Standing Counsel

**ORDER**

According to the Writ Petitioner he is the owner of the property in D.no.29, West Masi Street and he is regularly paying the property tax at the rate of Rs.48,933/- per half year and there is no arrears till date. All of a sudden the respondent disconnected the drainage service connection to the petitioner's property without issuing any notice. Hence, the present writ petition has been made.

2.Mr.R.Prabhu Ramachandran, learned counsel, who took notice for the respondents, on instructions submitted that the petitioner did not file the property assessment. Based on the earlier assessment made by the corporation, they are collecting the property tax from the petitioner and on inspection, the respondents came to know that the petitioner has put additional construction in his property. Therefore, the respondents directed the petitioner to pay the additional tax.

3.Considering the facts, without issuing any provisional assessment notice and giving any opportunity to the petitioner the impugned order has been passed, hence, the respondents are directed



to issue provisional assessment notice to the petitioner within a period of one week from the date of receipt of a copy of this order and on receipt of the said provisional assessment notice, the petitioner is directed to raise his objections, and on receipt of the objections, if any, the respondent corporation is directed to pass final assessment order within a period of four weeks thereafter. The respondents are also directed to restore the drainage connection to the petitioner immediately.

4. With the above observations, this Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr. PT. S. NARENDRAVASAN, ADVOCATE IN SR No. 56828  
+ 1 CC TO Mr. R. PRABU RAMACHANDRAN, ADVOCATE IN SR No. 57232

TA  
TE/SKN-RSK/SAR-4 : 11/04/2018 : 2P/3C

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