



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P. (MD) No.13048 of 2018

and

W.M.P. (MD) No.11911 of 2018

V.Arivazhagan

: Petitioner

Vs.

1.The District Collector,
Collector's Office,
Dindigul.

2.The Assistant Director of Town Panchayat,
O/o. Assistant Director of Town Panchayat,
Sempatti Village,
Aathur Taluk,
Dindigul.

3.The Executive Officer,
Chinnalapatti Town Panchayat,
Ambathurai Village,
Aathur Taluk,
Dindigul District-624 301.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3;

(i) to assess, fix and levy the tax to the petitioner's property situated at Door No.11/4/2, Royal Theatre Backside, 2nd Street, Chinnalapatti, Ambathurai Village, Athur Taluk, Dindigul District, as per Guidelines and Rules as stipulated under the Act in respect of Chinnalapatti Town Panchayat;

(ii) consequently, direct the third respondent to restore the drinking water connection bearing water connection No.613 to the petition building situated at Door No.10/5/13, TSVV Veranan Street, Chinnalapatti, Ambathurai Village, Athur Taluk, Dindigul District and further, not to indulge any coercive steps of disconnecting the drinking water supply and drainage connection and demolishing any construction made by the petitioner without following the procedure known to law.

For Petitioner
For Respondents 1&2

: Mr.V.R.Venkatesan
: Mr.S.Nagarajan,
Special Government Pleader
: Mr.M.Rajarajan,
Government Advocate

**ORDER**

The petitioner is the owner of the buildings at Door No.11/4/2, Royal Theatre Backside, 2nd Street, Chinnalapatti, Ambathurai Village, Athur Taluk, Dindigul District and Door No.10/5/13, TSVV Veranan Street, Chinnalapatti, Ambathurai Village, Athur Taluk, Dindigul District. After completion of the buildings, he requested the third respondent to inspect the buildings and assess the property to tax. However, without assessing the buildings and also without receiving any tax amount remitted by the petitioner, the third respondent disconnected the water supply and drainage connection to the property. Aggrieved over the action of the third respondent, the petitioner is before this Court seeking assessment of his property.

2. Mr.M.Rajarajan, learned Government Advocate appearing on behalf of the third respondent would submit that the third respondent is willing to inspect the property and assess it to tax, provided the petitioner co-operates in the proceedings.

3. In reply, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to co-operate with the third respondent during inspection as well as measurement of the property to which he seeks tax assessment.

4. At this juncture, the learned Government Advocate appearing for the third respondent would submit that if the petitioner co-operates with the third respondent, the third respondent will conduct inspection of the buildings on 25.06.2018 and pass assessment orders on 29.06.2018.

5. In view of the submissions made by both sides, by consent of both parties, a direction is issued to the third respondent to inspect the property in question for assessment of tax on 25.06.2018 and pass assessment orders, as expeditiously as possible, in any event, within a period of one week from the date of inspection. In the meanwhile, the third respondent is also directed to restore the water and drainage connection, on receipt of the tax amount from the petitioner.

6. The Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/



To

1.The District Collector,
Collector's Office,
Dindigul.

2.The Assistant Director of Town Panchayat,
O/o. Assistant Director of Town Panchayat,
Sempatti Village,
Aathur Taluk,
Dindigul.

3.The Executive Officer,
Chinnalapatti Town Panchayat,
Ambathurai Village,
Aathur Taluk,
Dindigul District-624 301.

+1CC to Mr.V.R.Venkatesan Advocate in SR.No.68838.

SML

DS/SKN-RSK/SAR-1 :21.06.2018: 3P/5C

Order made in
W.P. (MD) No.13048 of 2018
20.06.2018