



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.23686 of 2018

Samayachandran

... Petitioner

Vs

1. The Union of India,
represented by its Secretary,
Department of Telecommunications,
Ministry of Communications,
Sanchar Bhavan, 20,
Ashok Road, New Delhi-110001.
2. The Chief General Manager,
Bharat Sanchar Nigam Limited,
No.16, Greames Road,
Thousand Lights West,
Thousand Lights, Chennai- 600 006.
3. The General Manager,
Bharat Sanchar Nigam Limited,
Tanjore District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the property tax arrears from financial year 1998-99 to 2018-19 to the tune of Rs.4,55,606/- (Rupees Four Lakh Fifty Five Thousand Six Hundred and Six only) to the petitioner Town Panchayat within a time frame.

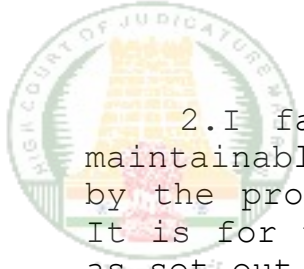
For Petitioner : Mr.G.Mutharasu

For R1 : Mr.R.Nandakumar
Standing Counsel for BSNL

For R2 and R3 : Mr.Shanmugaraja Sethupathi

ORDER

The writ petitioner is a Town Panchayat. According to the writ petitioner, the BSNL is bound to pay property tax. Since, BSNL has committed default, the arrears have accumulated right from the year 1998-1999. To direct the BSNL to remit property tax arrears to the petitioner Panchayat, this writ petition has been filed.



2.I fail to understand as to how this writ petition can be maintainable. The petitioner is a Town Panchayat. It is governed by the provisions of Tamil Nadu District Municipalities Act, 1920. It is for the petitioner Panchayat to invoke the recovery mechanism as set out in the statute. Likewise, BSNL can also defend when such an action is taken that it is not liable to pay property tax. These disputes are to be decided elsewhere. In this case, BSNL has already raised a dispute with regard to its liability to pay property tax. This writ petition has been filed as if the issue is beyond any factual dispute.

3. Therefore, leaving it open to the parties to contest or defend their respective claims, this writ petition is dismissed as not maintainable. It is made clear that this Court has not pronounced anything on the merits of the matter. No costs.

Sd/

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary,
The Union of India,
Department of Telecommunications,
Ministry of Communications,
Sanchar Bhavan, 20,
Ashok Road, New Delhi-110001.
2. The Chief General Manager,
Bharat Sanchar Nigam Limited,
No.16, Greames Road,
Thousand Lights West,
Thousand Lights, Chennai- 600 006.
3. The General Manager,
Bharat Sanchar Nigam Limited,
Tanjore District.

+1 cc to Mr.R.Nandakumar, Advocate, SR.No.97689
+1 cc to Mr.G.Mutharasu, Advocate, SR.No.97574
+1 cc to Mr.D.Shanmugaraja Sethupathi, Advocate, SR.No.97658

pnn

SS/RSK/SAR 4/20.12.2018/2P/7C