BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.08.2018
CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.23485 of 2017
and
W.M.P.(MD) Nos.19748 & 19749 of 2017

A.Thamizh Selvi ... Petitioner

vs.

1.The Commissioner
Usilampatti Municipality
Usilampatti, Madurai District

2.Subbiah
Commissioner
Usilampatti Municipality
Usilampatti, Madurai District ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order of the first respondent in Na.Ka.No.693/2017/A1 dated 17.08.2017 quash the same and consequently direct the respondent herein to transfer the property tax in respect of Assessment No.1587 in the name of the petitioner and assess the periodical property tax in her name in accordance with law.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.K.Mahendran for R1

ORDER

When the matter was taken up for hearing, the learned counsel for the respondent - Municipality produced a copy of the proceedings of the first respondent, dated 21.08.2018, stating that the property tax has been transferred in the petitioner's name. Therefore, according to him, the prayer in this writ petition has been answered substantially.

2. At this juncture, the learned counsel for the petitioner would submit that in regard to the issuance of the impugned order, the first respondent did not have any jurisdiction and it is not within his authority to call for such particulars in the impugned order.

3. Considering the submissions made by the learned counsel for the petitioner, this Court is of the considered view that the impugned order passed by the first respondent, dated 17.08.2017, calling for certain particulars is beyond the power vested in him under the relevant statute and therefore, the same is unsustainable in law.

4. In any event, the learned counsel for the respondent - Municipality, on instructions, would submit that the impugned order passed by the first respondent may be quashed, even otherwise.

5. In view of the admitted portion, this Court has no hesitation to allow the writ petition. Accordingly, writ petition is allowed and the impugned order of the first respondent, in Na.Ka.No.693/2017/A1, dated 17.08.2017, is hereby quashed. The respondents herein are directed to transfer the property tax in respect of Assessment No.1587 in the name of the petitioner and assess the periodical property tax in her name in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-I)

+1CC to Mr.K.Appadurai, Advocate, SR.No.80948
+1CC to Mr.K.Mahendran, Advocate, SR.No.80836

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KRK
ES/PM/SAR 1/25.09.2018/2P/3C