

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.1669 of 2011
and
WMP.Nos.1 & 2 of 2011

The Bharat Sanchar Nigam Limited,
Coimbatore, (SSA)
Rep. by its Asst.General Manager,
Land and Building,
Office of the Principle General Manager,
Bharat Sanchar Nigam Limited,
No.2, Bharathi Park, Second Street,
Coimbatore-43.Petitioner

Vs

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai.
2. The Commissioner,
Mettupalayam Municipality,
Mettupalayam, Coimbatore.Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, or order or direction, calling for the records of the 2nd respondent in Na.Ka.No.3649/2009/A3 dated 14.12.2010 and quash the same and further direct the respondent to restore the water supply to the Bharat Sanchar Nigam Limited, Main Exchange Building, Mettupalayam and Microwave Building, Mettupalayam including the Staff Quarters, came to be vested with effect from 19.04.2011.

For Petitioner : Mr.K.R.Ramesh Kumar

For Respondent : Mr.A.Zakkir Hussain,
Govt. Advocate
for R1

Mr.A.S,.Thambuswamy for R2

O R D E R

The demand of property tax for the assessment years 2000 - 2001 to 2010 - 2011, is under challenge in the present writ petition.

2. It is brought to the notice of this Court that, by an order of the Division Bench of this Court dated 21.12.2018, passed in Writ Appeal (MD) Nos.328 to 335 of 2018, as well as in the Review Application (MD) Nos.77 to 84 of 2018, the properties of the Bharat Sanchar Nigam Limited, came to be vested with effect from 19.04.2011 and as such the demand of property tax prior to 19.04.2011 cannot be sustained, since the same is exempted.

3. In view of the same, the present demand of property tax for the period prior to 19.04.2011, requires to be set aside. Accordingly, the writ petition stands allowed and the impugned order dated 14.12.2010, is set aside. However, this order shall be subject to any order passed in Appeal as against the earlier order of the Division Bench dated 21.12.2018.

4. Writ petition stands allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Pkn.

To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai.
2. The Commissioner,
Mettupalayam Municipality,
Mettupalayam, Coimbatore.

+1 cc to M/s.K.R.Ramesh Kumar, Advocate, S.R.No.53350

+1 cc to the Government Pleader, S.R.No.54960

W.P.No.1669 of 2011

SJ(CO)

SSM(19/07/2019)SSM(07/08/2019)