IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.16160 of 2013

M.Palaniappan ... Petitioner

Vs

The Commissioner
Tiruchengode Municipality
Tiruchengode
Namakkal District. ...
Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to receive the house tax amount due from March 2006 to till date at the rate of Rs.313/- and Rs.375/- per half year totalling Rs.10,320/- and issue proper receipt for House Nos.82/A1 and 82/A2, Water Tank Street, Tiruchengode Town, Namakkal District.

For Petitioner : Mr.M.S.Palaniswamy

For Respondent : Mr.V.S.Narayana Rao

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Mandamus directing the respondent to receive the house tax amount due from March 2016 at the rate of Rs.313/- and Rs.375/- per half year totalling Rs.10,320/- and issue proper receipt for House Nos.82/A1 and 82/A2, Water Tank Street, Tiruchengode Town, Namakkal District.

2.The learned counsel for the petitioner has submitted that pursuant to the judgment and decree passed by the learned Additional District Munsif Court, Tiruchengode dated 05.01.2010, the petitioner rendered the tax amounts due from March 2006, but the respondent refused to receive the same and hence the present writ petition has been filed.

3.This Court has also heard the submissions made by the learned counsel for the respondent on the submissions of the learned counsel for the petitioner.

4.It is seen from the papers that the learned Additional District Munsif Court, Tiruchengode, passed an order on 05.01.2010 in O.S.No.134 of 2006, granting the relief of injunction sought for by the petitioner, observing that the procedures contemplated under Section 81(4) of the Tamil Nadu District Municipalities Act, have not been followed. The learned Additional District Munsif has not fixed the property tax on merits. Hence, the authorities have to pass appropriate orders by fixing proper property tax after due opportunity to the petitioner. In such view of the matter, the respondent is directed to fix the property tax by following due process of law and after affording due opportunity to the petitioner, for the relevant period of time. If the petitioner pays any amount quoting the order passed in O.S.No.134 of 2006, the same shall be received and adjusted towards total arrears.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

KM
To
The Commissioner
Tiruchengode Municipality
Tiruchengode
Namakkal District.

+1cc to Mr.S.Palani Swamy, Advocate (SR.No.19218)

W.P.No.16160 of 2013

CP(CO)
BRI(21.05.2020)