

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.33906 of 2017

and

WMP.No.37608 of 2017

C.Ramalingam

Represented by his authorized
Power Agent Mr.C.Perumal,
03/56 C, Panruti Road, Ulundurpet,
Villupuram District.

... Petitioner

Vs.

1. The Director of Town Panchayats,
Kuralagam, Chennai - 600 001.

2. The Assistant Director of Town Panchayats,
Villupuram.

3. The Executive Officer,
Ulundurpet Selection Grade Town Panchayat,
Ulundurpet, Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus, to quash the impugned order of the third respondent Na.Ka.No.A2/151/2017 dated 01.12.2017 and consequentially direct third respondent to conduct enquiry on the petitioner's representation dated 01.03.2016.

For Petitioner : Mr.V.Srikanth

For Respondents : Mr.J.Ramesh, AGP
Assisted by Mr.K.J.Sivakumar

O R D E R

The petitioner has filed this writ petition to quash the demand notice dated 01.12.2017 issued by the third respondent and consequently, direct the third respondent to conduct enquiry on the petitioner's representation dated 01.03.2016.

2. According to the petitioner, he had filed a writ petition in WP.No.817 of 2012 directing the 3rd respondent to implement the Resolution No.163 passed on 29.06.2007 by the Council of the Ulundurpet Special Grade Town Panchayat by reducing the property tax to the petitioner's marriage hall viz., Adhilakshmi Thirumana Mandapam. Vide order dated 12.06.2014, the said writ petition was disposed of, permitting the petitioner to submit a representation in respect of the demand notices dated 05.05.2014 issued by the third respondent within a period of two weeks and on receipt of the same, the third respondent shall consider and dispose of the same, in accordance with law, after affording opportunity of personal hearing to the petitioner, within a period of four weeks thereafter and till the disposal of the representation, the third respondent shall not take any coercive steps with regard to the demand notices. As directed by this Court, the petitioner submitted his representations on 12.07.2014 and 01.03.2016. Without considering the said representations, the third respondent issued the impugned notice dated 01.12.2017, directing the petitioner to pay the property tax to the tune of Rs.3,32,252/- for the period from 1998-1999 to 2017-18. Hence, this writ petition.

3. The learned counsel for the petitioner pointed out that without considering the order dated 12.06.2014 passed by this Court in WP.No.817 of 2012 in a proper perspective and without providing due opportunity to the petitioner, the third respondent has issued the impugned notice, which is arbitrary, illegal and in violation of the principles of natural justice and hence, the same is liable to be set aside.

4. Mr. J. Ramesh, learned Additional Government Pleader appearing for the respondents submitted that the petitioner has not filed the representation within the time granted by this Court and hence, the impugned notice came to be issued. However, he fairly submitted that if the petitioner submits a fresh representation, the same would be considered by the third respondent within a time frame to be stipulated by this Court, which has also been agreed upon by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is inclined to set aside the impugned notice. Accordingly, this writ petition stands allowed by setting aside the notice dated 01.12.2017 issued by the third respondent. The matter is remitted back to the third respondent for fresh consideration. The petitioner is directed to file a fresh representation enclosing all the required documents to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On such representation being

submitted, the third respondent shall consider the same and pass orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and also in line with the earlier order of this Court dated 12.06.2014 passed in WP.No.817/2012, within a period of four weeks thereafter. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Town Panchayats,
Kuralagam, Chennai - 600 001.
2. The Assistant Director of Town Panchayats, Villupuram.
3. The Executive Officer,
Ulundurpet Selection Grade Town Panchayat,
Ulundurpet, Villupuram District.

+1cc to Mr.V.Srikanth, Advocate, S.R.No.19715
+1cc to the Government Pleader, S.R.No.20645

W.P.No.33906 of 2017
and
WMP.No.37608 of 2017

may (27/05/2020)

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