



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)No.10307 of 2020 and
W.M.P.(MD)No.9175 of 2020

E. Mariappan

... Petitioner

Vs.

1. The Assistant Director(Village Panchayat),
District Collectorate Complex,
Virudhunagar.
2. The Block Development Officer(Village Panchayat),
Virudhunagar Panchayat Union,
Virudhunagar.
3. The President/Executive Officer,
Mannarkottai Village Panchayat,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned communication passed by the third respondent in the impugned communication undated and quash the same as illegal and consequently direct the third respondent to assess the property tax in accordance with the Panchayat Act and Rules for the building constructed in M-Sand operations in the petitioner's property at S.No.177/3 of Mannarkottai Village, Virudhunagar Taluk, Virudhunagar District.

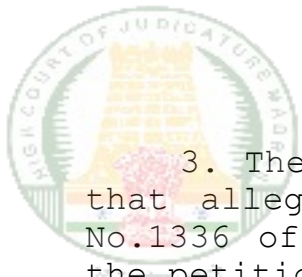
For Petitioner : Mr.G.Mariappan
For Respondents : Mr.C.Ramar,
Additional Government Pleader.

* * *

O R D E R

Heard the learned counsel on either side.

2. All that the petitioner wants is assessment of the petition mentioned premises towards property tax. The petitioner is said to have put up an industrial unit for manufacturing M-Sand.



3. The learned Additional Government Pleader informs this Court that alleging violation of the pollution control norms, W.P.(MD) No.1336 of 2020 has been filed seeking action to be taken against the petition mentioned unit.

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4. The petitioner's counsel gives an undertaking that he will contest the said proceedings independently and that he will not take advantage of any order that may be passed in this writ petition. He also specifically states that merely because the petition mentioned premises has been directed to be assessed to property tax, that will not in any event advance his case before any other Court or in any other proceedings.

5. I am of the view that the respondents cannot suffer any prejudice, if I direct them to assess the petition mentioned unit to property tax. Recording the petitioner's undertaking that he will not claim any advantage or equity, respondents 2 and 3 are directed to assess the petition mentioned unit of the petitioner to property tax and also receive tax from the petitioner herein.

6. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Assistant Director(Village Panchayat),
District Collectorate Complex,
Virudhunagar.
2. The Block Development Officer(Village Panchayat),
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Virudhunagar.



3. The President/Executive Officer,
Mannarkottai Village Panchayat,
Virudhunagar Taluk,
Virudhunagar District.

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+1 CC to the SPL GP (SR-16228[F] dated 08/09/2020)

W.P. (MD) No.10307 of 2020
07.09.2020

CS(16.09.2020) 3P 5C