



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2268 of 2015 and

MP(MD) Nos.2 & 3 of 2015

WEB COPY

1.R.Arul Chinnappan
2.R.Francies Xavier
3.R.John Britto

... Petitioners

Vs.

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

2.The Commissioner,
Madurai City Municipal Corporation,
Anna Maaligai
Madurai - 625 002.

... Respondents

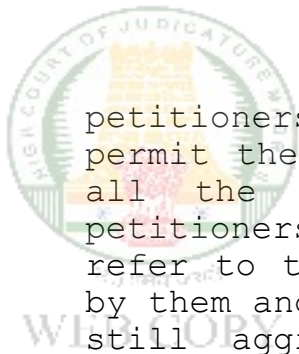
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarifi, calling for the records relating to the assessment of property in Assessment Nos.66786 and 374844 dated Nil issued to the petitioners for a sum of Rs.3,69,467/- issued by the second respondent herein and to quash the same.

For Petitioner	: Mr.G.Aravinthan for S.Subbiah
For R1	: Mr.K.Govindarajan
For R2	: Mr.R.Murali

O R D E R

Heard the learned counsel on either side.

2.The impugned demand was made in the year 2015. The petitioners' counsel points out in the impugned demand, there was a reference even to the years 1981-1982 onwards. As rightly pointed out by the learned counsel for the petitioners, beyond a period of 12 years, it is not open to the Corporation to enforce its demand. Therefore, the respondent Corporation could not have gone beyond the years 2002-2003. The petitioners' counsel firmly contends that the petitioners had cleared all the arrears and that without taking note of the payment made by the petitioners, the respondent has made demand. In this regard, the petitioners' counsel drew my attention to the amount paid for the years 2011-2012 & 2013-2014 etc., There is some material indicating the payment of property tax by the petitioners herein. Therefore, the second respondent has to necessarily take into account all the receipts produced by the



petitioners herein and thereafter issue a fresh demand. I therefore, permit the petitioners to approach the second respondent and place all the materials in support of their contention that the petitioners had paid all the arrears. The second respondent will refer to the petitioners' contentions as well as the proof adduced by them and thereafter pass a speaking order. If the petitioners are still aggrieved, they have to necessarily move the statutory Tribunal and not invoke writ jurisdiction of this Court.

3.With this direction, the order impugned in this writ petition is quashed and the matter is remanded to the file of the second respondent. The petitioners' counsel states that at the time of admission, the petitioners have remitted a sum of Rs.50,000/- for complying with the condition imposed by this Court. The said amount will be adjusted against the petitioners' liability.

4.The Writ Petition is allowed on these terms. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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 Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

2.The Commissioner,
Madurai City Municipal Corporation,
Anna Maaligai, Madurai - 625 002.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-16793[F] dated 15/09/2020)

W.P. (MD)No.2268 of 2015 and

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14.09.2020

VR(CO)

AP(05/10/2020) 2P 4C

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