



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 12624 of 2017 and

W.M.P. (MD) No. 9734 of 2017

WEB COPY

J. Peer Mohamed

... Petitioner

Vs.

The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai,
Madurai.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned demand notice dated 30.06.2016 issued by the respondent in respect of Assessment No. 48147 for Door No. 10, Ward No. 18, Bye pass road, S.S. Colony, Madurai and quash the same as illegal, arbitrary and against the principles of natural justice.

For Petitioner	: Mr. L. Shaji Chellan
For Respondent	: Mr. T. S. Mohamed Mohideen, Standing counsel.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondent.

2. As rightly pointed out by the learned Standing counsel, what is under challenge in this writ petition is only a provisional demand notice. The said notice itself indicates that it is open to the assessee to lodge his objections and that the same would be considered and there is no necessity to file an appeal. Therefore, I am not inclined to interfere.

3. At that stage, the petitioner's counsel states that in view of the lapse of time, the respondent may not entertain his objections. But it is seen that the objections had been given as early as on 23.08.2016.

4. In the interest of justice, I am inclined to permit the petitioner to give fresh objections. The same shall be done within a period of two weeks from the date of receipt of a copy of this order. The respondent shall pass orders thereon. If the petitioner is still aggrieved by the same, the petitioner has to necessarily go only before the statutory Tribunal and not once again invoke writ jurisdiction of this Court.



5. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai,
Madurai.

+1 CC to M/s.L. SHAJI CHELLAN, Advocate (SR-16455[F] dated
10/09/2020)

+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-16551[F] dated
10/09/2020)

W.P. (MD) No. 12624 of 2017
09.09.2020

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