



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

W.P. (MD) Nos. 17945, 17946 and 17947 of 2017

and

W.M.P. (MD) Nos. 14460, 14461 and 14462 of 2017

A.Thangavelu

... Petitioner in all W.Ps.

Vs

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

... Respondent in all W.Ps.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to final attachment/demand notice dated Nil issued by the respondent in respect of Assessment No.388718 for property at 16A/1, Assessment No.388860 for property at 16/1 and Assessment No.388861 for property Nil, respectively Ramiah Main Street, Jaihindpuram Madurai -11 respectively and quash the same as violative of Provisions of Madurai City Municipal Corporation Act, 1971.

(in all W.Ps.)

For Petitioner : Mr.S.Manohar

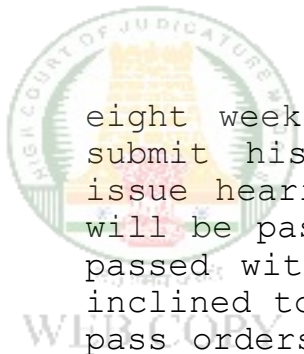
For Respondent : Mr.R.Murali

COMMON ORDER

Heard the learned counsel on either side.

2.In these writ petitions the attachment orders passed by the respondent are under challenge. The petitioner's counsel would state that before passing the impugned orders of attachment the petitioner/assesse was not heard. The stand of the corporation is that when the petitioner's buildings were remeasured, it was noted that certain areas escaped from assessment.

3.The petitioner's pointed contention is that he was not heard before any orders were passed. The respondent/corporation is not able to produce any record indicating that the petitioner was heard. I am unable to agree with the stand of the corporation. The standing counsel is directed to serve a copy of the counter on the petitioner's counsel namely, Mr.S.Manohar. The petitioner is given



eight weeks from the date of receipt of a copy of this order to submit his objections. The respondent/corporation will thereupon issue hearing notice to the petitioner and thereafter final orders will be passed. Inasmuch as the impugned orders of attachment were passed without complying the principles of natural justice, I am inclined to quash the same. With this liberty to the respondent to pass orders afresh in accordance with law, the writ petitions stand allowed. It is made clear that if the petitioner fails to submit his objections within a period of eight weeks from the date of receipt of a copy of this order, it is open to the respondent to pass orders afresh. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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:

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

W.P. (MD) Nos.17945, 17946 and 17947 of 2017

07.07.2020

DB (CO)

TR(10.07.2020) 2P 2C