IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.7754 of 2011
and W.M.P.No.2344 of 2018

Rank International School,
Rep.by its Correspondent,
Ariyampalayam Town Panchayat,
Ariyampalayam Post,
Sathyamangalam,
Erode 638 402. ..Petitioner

vs.

The Executive Officer,
Ariyampalayam Town Panchayat,
Ariyampalayam Post,
Satthi Taluk,
Erode District. ..Respondent

Prayer .: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records of the respondents relating to the Demand Notice bearing Assessment No.476/10 dated 2.3.2011 issued by the respondent and quash the same.

For Petitioner : Mr.K.Shakespeare
For Respondent : No Appearance

O R D E R

The petitioner has challenged the impugned demand notice seeking to recovery of property tax vide assessment order dated 02.03.2011 in Assessment No.476/2010.

2. By the impugned order, the respondent seeks to collect property tax from the petitioner for the period commencing from 2008 and 2009.

3. The case of the petitioner is that the petitioner school a started in the year 2008 and there are about 250 students who are studying in the petitioner's school. It is

submitted that as per Section 83 of the Tamil Nadu District Municipalities Act, 1920, the petitioner is exempted from payment of property tax.

4. The learned counsel for the petitioner submits that the issue is no longer res-integra and is covered by the decision of this Court vide order dated 26.07.2018 in Kovai Medical Centre Research and Educational Trust, Rep.by its Authorised Signatory, Avinashi Road, Coimbatore District 641 014 vs. The Executive Officer, Kalapatti town Panchayat, Kalapatti, Coimbatore District.

5. There, this Court placed reliance on the decision of the Madurai Bench of this Court in A.Subramanian, Managing Trustee of Merit Educational Charitable Trust-cum-Principal of Merit Matriculation School, Ambasamudram, Tirunelveli District vs. The Executive Officer, III Grade Municipality, Ambasamudram, Tirunelveli District, 2010(4) CTC 31, has quashed the demand of property tax .The operative portion of the said decision is reproduced below:

> " 15. Further, having regard to the exemption granted under Section 83(1) of the Tamil Nadu District Municipalities Act, the question of aided or un-aided or minority or non-minority does not arise and any building used for educational purposes including hostels are exempted.
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> 16. It was contended by the learned counsel appearing for the Respondent, Mr.M.Saravanakumar that only buildings used for educational purpose are exempted, even according to Section 83(1)(c) of the Tamil Nadu District Municipalities Act and in this case apart from class rooms and hostels other buildings such as office of the educational institution can be assessed to Property Tax and exemption cannot be claimed for those buildings. The argument of the learned counsel appearing for the Respondent cannot be accepted, having regard to the wordings used Section 81(1)(c) of the Tamil Nadu District Municipalities Act. As per Section 83 (1)(c) of the Tamil Nadu District Municipalities Act, buildings used for educational purpose and hence, hostels are given exemption. The phrase used "buildings for educational purpose", in my opinion, it includes not only class rooms, but also office rooms, which are essential and integral part of an educational institution and without an office, an educational institution cannot be run. Therefore,

the buildings used for running office is also essential for imparting education and therefore, those buildings will also come under the category of educational purpose. Therefore, having regard to the specific provisions of Section 83(1)(c) of the Tamil Nadu District Municipalities Act, the buildings used for educational purposes of the Petitioner's institution are exempted from assessment of Property Tax and the Respondents cannot claim any levy for those buildings."

6. Heard the learned counsel for the petitioner. I have perused the impugned order and the decision of this Court in Kovai Medical Centre Research and Educational Trust case referred to supra and the decision of this Court in A.Subramanian, Managing Trustee of Merit Educational Charitable Trust-cum-Principal of Merit Matriculation School, Ambasamudram, Tirunelveli District vs. The Executive Officer, III Grade Municipality, Ambasamudram, Tirunelveli District, 2010(4) CTC 31, which has been extracted above.

7. The issue is covered in favour of the petitioner in the two cases cited supra. Considering the same, I am inclined to allow this writ petition.

8. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kkd

To

The Executive Officer,
Ariyampalayam Town Panchayat,
Ariyampalayam Post,
Satthi Taluk,
Erode District.

+1cc to Mr.K.Shakespeare, Advocate, S.R.No.7287

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PMK(CO)
KKV/01/06/2021