

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.7863 of 2021
& WMP.No.8396 & 8395 of 2021

S.Subburaman

...Petitioner

Vs.

The Commissioner
Pollachi Municipality,
Pollachi- 642 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus calling for the records on the file of the respondent in proceedings No.393/ 2013/ A1 dated 23/11/2020 and to quash the same as illegal incompetent and without jurisdiction and to further direct the respondent to restore the water supply to door No. 13, 13/1 Kottur Road, 15 15/1 Imman Khan Road Pollachi.

For Petitioner : Mr.V.Raghavachari
For Respondent : Mr.R.P.Prathap Singh
Government Advocate

ORDER

Mr.R.P.Prathap Singh, learned Government Advocate accepts notice for the respondent and is armed with instructions to proceed with the matter. Hence, by consent of both learned counsel, this writ petition is disposed finally even at the stage of admission.

2. The challenge is to a notice dated 23.11.2020 which grants three days time to the petitioner to remit arrears of property tax of a sum of Rs.6,66,552/- in regard to the property at door No. 13, 13/1 Kottur Road 15, 15/1 Imman Khan Road Pollachi (property in question) under threat of coercive recovery action. The petitioner has not chosen to avail appropriate remedy even when the notice was issued nearly five months ago.

3. I.A.No13 of 2019 has been filed before the Subordinate Judge, Pollachi on 23.02.2021 seeking a temporary injunction restraining the respondent not to initiate coercive steps for recovery of arrears of tax. In such circumstances, when the matter is being pursued by the parties before the lower Courts, I find no justification whatsoever to entertain this writ petition.

4. Be that as it may, Mr.Prathap would point out that the petitioner is, in fact, running a profitable business as a lodging house in the premises in question and this statement is supported by the petitioners' own averment in affidavit filed before the Pollachi Court wherein towards the end of para 4, the petitioner states that the lodge is running to full capacity and all rooms are occupied by customers. However, since a representation is stated to have been filed by the petitioner on 23.02.2021 before the respondent seeking a temporary injunction. Mr.Prathap would state that the respondent will dispose the same after hearing the petitioner and in accordance with law, within a week from today.

5. This writ petition is dismissed. Connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner
Pollachi Municipality,
Pollachi- 642 001.

+1 cc to M/s.V.Ragavachari, Advocate Sr No. 19812
+1 cc to M/s.R.P.Prathap Singh, Advocate Sr No.20625

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PL(CO)
RG.27.04.2021(2p/4c)