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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. NO. 6178 OF 2016

AND

W.M.P. NOS. 5523 AND 5524 OF 2016

1. R.Shanmugam
 2. Kamalam
 3. Lalitha
 4. V.Geethanjali
 5. V.Rajikumar
 6. Boopathi
 7. Minor Harini
- Rep-by her mother and natural guardian Boopathi

... Petitioners

-vs-

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Tahsildar,
Sulur Taluk,
Sulur,
Coimbatore District.
3. The President,
Arasur Panchayat,
Sulur Panchayat Union,
Coimbatore District.
4. Gopalsamy
5. A.V.Govindaraj
6. P.Balasubramanian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the third respondent dated 05.10.2012 related to property tax assessment No.835 for house building at Door No.8/41, Thenampalayam Village and quash the



proceedings dated 05.10.2012.

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For Petitioners : No appearance
For Respondents : Mr.V.Veluchamy
Government Advocate for R1 and R2
Mr.K.Karthikeyan for R3 and R5
Mr.Mukunth
for M/s.Sarvabhauman Associates for
R4
R6 not ready in notice

O R D E R

The relief sought for in the present Writ Petition is to set aside the order passed by the third respondent dated 05.10.2012 related to the property tax assessment No.835 for house building at Door No.8/41, Thenampalayam Village.

2. The very same writ petitioners earlier filed W.P. No. 30296 of 2011 to quash the proceedings dated 30.08.2011 and sought for a direction to the District Revenue Officer to refer the dispute to the Competent Civil Court at Coimbatore District. This Court has considered the grievances of the writ petitioners elaborately and passed an order, which reads thus:

"9. In such view of the matter, the Court is of the considered view that the impugned proceedings of the first respondent, dated 30.08.2011, in apportioning the award amounts, amongst the parties concerned, is liable to be set aside. Accordingly, the impugned proceedings of the second respondent is set aside. Consequently, the first respondent is directed to refer the dispute to the Principal Civil Court having competent jurisdiction, to settle the dispute, as per Clause 4 of Section 3H of the National Highways Act, 1956, within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed."

3. Therefore, this Court is of the opinion that, the property tax issue cannot be raised by the petitioners in this writ petition. The order impugned reveals that the exemption sought for from payment of property tax is rejected.

4. Further, the learned counsel appearing for the respondents also made a submission that the subject property was acquired and the proceedings during the relevant point of time was pending.

5. In view of the fact that, the parties had already directed by this Court to agitate the issue before the Competent



Civil Court, the exemption sought for from payment of property tax cannot be considered. It is for them to approach the Competent Authority for their redressal.

6. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

vji

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Tahsildar,
Sulur Taluk,
Sulur,
Coimbatore District.
3. The President,
Arasur Panchayat,
Sulur Panchayat Union,
Coimbatore District.

+1cc to M/S.Sarvabhumman Associates, Advocate, SR.No.39885
+1cc to Government Pleader, SR.No.39724

W.P. No. 6178 of 2016
and
W.M.P. Nos. 5523 and 5524 of 2016

PL(CO)
PM(06/09/2021)