



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7450 of 2016
and
WMP No.6669 of 2016

M.Venkudikshithulu

... Petitioner

-Vs-

The Commissioner
Avadi Municipality
Avadi Chennai-600 054.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent dated 12.09.2014, regarding the Assessment Notice assessing the property tax for the petitioner's property at F-1 Ayshwaryam Akshaya, 351-A, Roja Street, Poompozhi Nagar, Avadi, Chennai-600 062, and all other subsequent proceedings and Demand Notices including the Dstraint Warrants quash the same and consequently direct the respondent to re-assess the tax for the petitioners property by taking into consideration the objections dated 08.10.2014, filed by the petitioner to the Assessment Notice and also at the same rate at which tax was assessed to the property situated opposite to the petitioners house in Plot No.260 of Mr.Ramanatha Iyyar.

For Petitioner : Mr.M.Venkudikshithulu
[Party in Person]

For Respondent : Mr.P.Srinivas
Standing Counsel

O R D E R

The subject matter of challenge in the present writ petition pertains to the proceedings of the respondent dated 12.09.2014, and the subsequent demand notices, including dstraint warrants etc.



2. When the writ petition was initially entertained, this court granted an ad-interim injunction as prayed for. Subsequently, this interim order was modified by an order dated 05.04.2018 and for proper appreciation, the order is extracted hereunder:

Heard Mr.M.Venkudikishithulu, Petitioner-in-Person and Mr.P.Srinivas, the learned standing counsel for the respondent.

2. Considering the facts and circumstances of the case in the earlier order passed by this Court dated 01.03.2016 is modified.

3. The Petitioner is directed to pay at the rate of Rs.500/- per half year to the respondent from 2014 - 15 within a period of two weeks from the date of receipt of a copy of this order.

3. When matter was taken up for hearing today, the petitioner, who is appearing in person argued the case on merits and he was pointing out the various illegalities in the assessment order and also the attitude of the Officials belonging to the respondent Municipality.

4. When this court posed a question as to whether the petitioner has complied with the order passed by this court on 05.04.2018, the only response given by the petitioner is that he was sending representations to the respondent and was meeting the concerned officials in person and they were not receiving the amount.

5. This explanation given by the petitioner is far from convincing. When the petitioner has approached this court and speaks so much about the fundamental rights, it is equally the duty of the petitioner to comply with the orders passed by this court. A person who claims for a right must also be ready to perform his duty and in the absence of the same, such a person will be deprived of such a right. The most important duty of a citizen is, to obey the orders of the Court. When this Court directed the petitioner to pay the amount by fixing the half yearly tax @ Rs.500/- per half year from 2014 - 15, it is unfortunate that the petitioner was sitting tight and has not paid a single pie to the respondent, till date. In fact, the petitioner found it convenient not to pay this amount and he was enjoying the interim order passed by this court.

6. In view of the attitude of the petitioner, this court is of the considered opinion that the grievance expressed



by the petitioner is not required to be considered by this court. The petitioner has taken advantage of the interim orders passed by this court and as a result of the same, he has misused the process of the court by not paying even a single pie towards the property tax for the last seven years. Such an attitude can never be entertained by this court. Therefore, this court is not inclined to exercise its writ jurisdiction.

7. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KP
To

The Commissioner,
Avadi Municipality,
Avadi,
Chennai-600 054.

+lcc to Mr.P.Srinivas, Advocate Sr.49398

W.P.No.7450 of 2016

pm[co]
srg 06/10/2021