IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.27640 of 2018
and W.M.P.Nos.32181 & 32186 of 2018

Presentation Nursery and Primary School,
Rep. By its Correspondent,
3(3), Macklean Street, George Town,
George Town,
Chennai 600 001. .. Petitioner

-vs-

1.The Secretary,
Department of Municipal Administration
and Water Supply,
The Government Secretariat,
Fort St. George,
Chennai-600 009.

2.The Commissioner,
Chennai Municipal Corporation,
Ripon Building,
Chennai-600 003.

3.The Assistant Revenue Officer,
Zone-V, Revenue Department,
Greater Chennai Corporation,
No.61, Basin Bridge Street,
Chennai-600 021. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned resolution dated 10.04.2018 in Resolution No.292/2018, on the file of the 2nd respondent and the assessment order, dated 14.06.2081, in Order No.N/05/060/18-19/2018, in No.05/060/07961/000, on the file of the 3rd respondent, in so far as it imposes 60% of educational institution surcharge, in respect of the petitioner school, and quash the same.

For Petitioner : Mr.Father Xavier Arul Raj
(Senior Counsel)
for M/s.Father Xavier Associates

For R1 : Mr.V.Nanmaran,
(Government Advocate)

For RR2 & 3 : Ms.Karthikaa Ashok
(Standing Counsel for Chennai Corporation)

ORDER

As far as the determination of property tax in the present writ petition is concerned, the issues are settled between the parties. As far as the payment of surcharge is concerned, the writ petition is sub judiced before this Court.

2.The learned Standing Counsel appearing for the respondent-Corporation, states that in the event of reaching any finality, the same will be binding on the writ petitioner also.

3.Thus, the claim of the petitioner made in the present writ petition, regarding surcharge, need not be considered. However, it is made clear that the petitioner is bound to pay the property tax, as assessed by the competent authorities.

4.Accordingly, the petitioner is directed to pay the arrears of property tax as well as current property tax punctually, except surcharge, which shall be paid after the disputes are resolved and as and when there is a demand made by the Corporation.

5.With the above observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

gsa

To

1.The Secretary,
Department of Municipal Administration
and Water Supply,
The Government Secretariat,
Fort St. George, Chennai-600 009.

2.The Commissioner,
Chennai Municipal Corporation,
Ripon Building,
Chennai-600 003.

3.The Assistant Revenue Officer,
Zone-V, Revenue Department,
Greater Chennai Corporation,
No.61, Basin Bridge Street,
Chennai-600 021.

+2cc to M/s.Father Xavier Associates, Advocate SR.No.29690

+1cc to Ms.Karthikaa Ashok, Advocate SR.No.29453

W.P.No.27640 of 2018

GMI(CO)
GMY(06/08/2021)