



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.08.2021**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.14195 of 2021

C.Shanmuga Durai

... Petitioner

-Vs-

1.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Trichy.

2.The Assistant Commissioner,
Tiruchirappalli City Municipal Corporation,
Trichy.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondent Corporation to convert the Property Tax Assessment as Residential instead of Commercial Property Tax Assessment in Assessment No.086/008/01041 Old Assessment No.086/8002017 based on petitioner's representation dated 16.03.2015 and the reminder dated 26.07.2021 within the time frame as fixed by this Court.

For Petitioner : Mr.R.Rameez Ajmakl Khan
For Respondents : Mr.R.Baskaran
Standing Counsel

ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the Respondent Corporation to convert the Property Tax Assessment as Residential instead of Commercial Property Tax Assessment in Assessment No.086/008/01041, Old Assessment No.086/8002017, based on petitioner's representation, dated 16.03.2015, and the reminder, dated 26.07.2021, within the time frame as fixed by this Court.

2.The petitioner is having property at Trichy Municipal Corporation limit, that is, Door No.4/1, Mela Devadanam, Srirangam Zone Trichy, which was originally stood as commercial building as it seems to have been run as a lodging house by the petitioner.

3.Subsequently, at one point of time, because of there is no patronage, the petitioner had decided to convert the said building into a residential one, accordingly, he has converted into a residential one and use it as a residential building.

4.Pursuant to which, the petitioner had also made arrangement to change the tariff of TANGEDCO from a commercial one into a



residential one, and that has also been accomplished by the petitioner.

5. In this context, further, in order to get the property tax to be levied by the respondent corporation on the building concerned, instead of a commercial one as a residential one, he had made a request for such conversion by way of representation, dated 16.03.2015, however, the said representation or request, since had not been considered by the respondents despite several representations in this regard, further reminder also recently given by the petitioner on 26.07.2021, even after the said reminder, since no positive action has been taken by the respondent, the petitioner has approached this Court with the aforesaid prayer.

6. Heard Mr.R.Rameez Ajmakl Khan, learned counsel appearing for the petitioner, who having reiterated the aforesaid seeks indulgence of this Court to issue writ of mandamus.

7. Heard Mr.R.Baskaran, learned Standing counsel appearing for the respondents, who would submit that, though the petitioner has claimed that he has converted the building in question from commercial one into a residential one, it has to be inspected by the concerned official and staff of the respondent corporation, and, after having satisfied that, such a conversion having been effected, only thereafter necessary action to change the property tax would be undertaken by the respondent Corporation, for which, it requires some reasonable time, therefore, learned Standing Counsel would submit that the said application submitted by the petitioner, dated 16.03.2015, followed by the reminder dated 26.07.2021 would be considered by the respondent Corporation on merits and in accordance with law, and an order to that effect would be passed within a time frame that may be stipulated by this Court.

8. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

9. In view of the same, where the application submitted by the petitioner dated 16.03.2015, since has been pending with the respondent corporation, no orders so has been passed, this Court is of the view that a direction can be given to the respondents to decide the said application and pass orders thereon, within a time frame, on merits.

10. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

"that there shall be a direction to the respondent Municipal Corporation to consider the application of the petitioner dated 16.03.2015, and decide the same on merits and in accordance with law, after giving an opportunity of



being heard to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that since the application is of the year 2015, a copy of the same along with the necessary documents shall also be annexed along with a copy of this order by the petitioner within two weeks from the date of receipt of a copy of this order, and on receipt of the same, the needful as indicated above shall be undertaken by the respondent corporation within the time frame as stated supra."

11.With these directions, this writ petition is disposed of. However there shall be no order as to costs.

12.It is made clear that, while considering the said application, if the respondent corporation finds any such arrears of property tax payable by the petitioner, the same shall also be paid by the petitioner without any due as on date, and after paying the same, the needful as undertaken above shall be undertaken by the respondent corporation.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Trichy.
- 2.The Assistant Commissioner,
Tiruchirappalli City Municipal Corporation,
Trichy.

+1 CC to M/s.R.BASKARAN, Advocate (SR-26589[F] dated 17/08/2021)

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