



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM

THE HON'BLE Mr.JUSTICE M.SUNDAR

W.P(MD).No.20229 of 2021

WEB COPY

R.Sarojini

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai - 20.

2.The Deputy Commissioner,
Madurai Corporation,
Madurai - 20.

3.The Assistant Commissioner,
Zone II, Race Course Road,
Madurai Corporation,
Madurai - 20.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass orders on the vacancy remission petition dated 07.02.2018 in respect of Assessment No.115/046/01047 and further direct the respondents to provide underground drainage connection to the above property.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.K.K.Kannan,
Standing Counsel

O R D E R

In the captioned writ petition, writ petitioner has made a prayer which is in two limbs. One limb pertains to a simple mandamus to dispose of writ petitioner's representation dated 07.02.2018 pertaining to vacancy remission for writ petitioner's property at Door No.27, Lourdu Nagar 7th Street, K.Pudur, Madurai. The second limb seeks a direction to the respondents to provide underground drainage connection to this property.

2.Mr.K.K.Kannan, learned Standing Counsel for Madurai Corporation accepts notice on behalf of all the three respondents.

<https://hcservices.ecourts.gov.in/hcservices> to the narrow compass on which the captioned matter



turns and owing to the simple nature of the issue main writ petition is taken up with the consent of both sides.

4. Regarding the first limb, writ petitioner counsel submits that vacancy remission request is traceable to Section 126 of Madurai City Municipal Corporation Act 1971, but learned Standing Counsel points out that vacancy remission under Section 127 is circumscribed by two facets. One is, writ petitioner cannot seek remission of more than 50% of tax and the other is, it has to be done in the half year concerned or the succeeding half year but not thereafter. However owing to the order I propose to make, I refrain myself from expressing any opinion on these aspects of the matter.

5. To be noted the aforementioned 07.02.2018 representation of the writ petitioner as placed before this Court as part of the case file is as follows :

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அனுப்புநர்

திருமதி. R. சரோஜினி,
க/பெ S. சீனிவாசகம்,
65, கற்பகநகர் 8வது தெரு,
கோ.புதுநர்,
மதுரை 7

பெறுநர்

உயர்திரு. ஆணையாளர் அவர்கள்,
மதுரை மாநகராட்சி,
மதுரை 20.

பொருள்: மதுரை மாநகராட்சி மன்றமும் 2 - வார்டு 46 வரிவிதிப்பு எண் 5055
க.எண் 27, ஜூன் 7வது தெரு - வரி விலக்கு அளிப்பது சம்பந்தமாக.

ஐயா,

மேற்படி விலாசத்தில் உள்ள கட்டிடத்தில் கற்பக விநாயகர் மெட்ரிக்குலேசன்
மேல்நிலைப்பள்ளி இயங்கி வந்தது. அந்த பள்ளி கடந்த 2012 ஆம் ஆண்டிலிருந்து
செயல்படவில்லை. அந்த கட்டிடம் பயன்படுத்தாமல் உள்ளது. மேலும் கட்டிடம் பழையதாக
உள்ளதால் அதை பயன்படுத்த முடியவில்லை. ஆகையால் பயன்பாட்டில் இல்லாத கட்டிடத்திற்கு
வரி விலக்கு அளிக்கும்படி தாழ்வுமையுடன் கேட்டுக் கொள்கிறேன்.

இப்படிக்கு
ஒப்பம் 07.02.2018



6.As far as the second limb of the prayer is concerned, while writ petitioner counsel submits that writ petitioner's application for underground drainage connection is pending with the Madurai Corporation, learned Standing Counsel for respondent Corporation submits that the writ petitioner has to make a separate application. In the light of this controversy, while disposing of 07.02.2018 representation the first respondent shall also consider the petitioner's request to provide underground drainage connection (by treating it as part of representation) and pass orders on the same.

7.In the light of narrative thus far, captioned writ petition is disposed of by making the following order :

a) the first respondent shall dispose of writ petitioner's aforementioned 07.02.2018 representation on its own merits and in accordance with law as expeditiously as his business would permit and in any event within three weeks from today i.e., on or before 02.12.2021;

b) the respondent while disposing of the above representation shall also consider the writ petitioner's request for underground drainage connection for the property concerned (by treating it as part of representation) and pass orders on the same;

c)The aforementioned two aspects shall be dealt with in one common proceedings;

d)The proceedings/orders disposing of the representation (including the writ petitioner's request for underground drainage connection) shall be communicated to the writ petitioner under due acknowledgment within five working days from the date of disposal;

e) Though obvious it is made clear that this Court has not expressed any view or opinion on the merits of the matter.

8.Captioned Writ Petition is disposed of with above directives. There shall be no order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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+1 CC to M/s.A.SRINIVASAN, Advocate (SR-34116[F] dated 11/11/2021)

+1 CC to M/s.K.K.KANNAN, Advocate (SR-34373[F] dated 12/11/2021)

W.P(MD) .No.20229 of 2021
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RD(30.11.2021) 4P 6C