



W.P.No.27032 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.11.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.27032 of 2022
and WMP Nos.26252 and 26254 of 2022

Montfort Academy Matriculation Higher
Secondary school
rep. by the Principal and Corresponent
1(1), Sullivan Garden Street,
Santhome High road,
Santhome, Chennai – 600 004.

... Petitioner

Vs

1. The Secretary,
Department of Municipal Administration
and Water Supply Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Chennai Municipal Corporation,
Ripon Building, Chennai – 600 003.
3. The Assistant Revenue Officer,
zone – IX, Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai – 600 034.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India



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impugned resolution dated 10.04.2018 in Resolution No.292/2018 on the file of the 2nd respondent and the consequential assessment order dated 22.05.2018 in Order No.6/18-19/143095 and the notice for current demand and arrears demand, dated 12.07.2022, in Bill No.Z.O.IX.R.D.C.No.R1/DN.125/SPL/2022, 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 : Ms.Francisca
for M/s.Father Xavier Associates

For Respondents : Mr.K.Surendran
Additional Government Pleader – R1

Mr.E.C.Ramesh
Standing Counsel – R2 & R3

ORDER

This matter has come up for hearing on 11.10.2022, when after hearing the learned counsel for the petitioner as well as the learned counsel, who accepted notice for the respondents, the following order was passed:

Mr.K.Surendran, learned Additional Government Pleader accepts notice for R1 and Mr.E.C.Ramesh, learned Standing Counsel accepts notice for R2 and R3. They seek some time to obtain instructions and file counters.

2. In light of order passed in W.P.Nos.34104 of 2019 etc. batch, dated 20.06.2022 (Good Shepherd Matriculation Higher Secondary School) wherein this Court has held that the levy of surcharge is without any statutory backing or authority and has quashed the same, there shall be an order of interim stay, effective till the next date of hearing.



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3. List on 15.11.2022 at the end of admission list.
Counter/written instructions by then with an advance copy served upon the petitioner.

2. Today, both learned counsel for the respondents would confirm that the order in the case of *Good Shepherd Matriculation Higher Secondary School V. The Secretary, Department of Municipal Administration and Water Supply Department* (W.P.No.34104 of 2019 etc. batch dated 20.06.2022) has become final.

3. In light of the above, the impugned orders only insofar as they relate to the demand of surcharge are set aside and this Writ Petition is allowed to such extent. No costs. Connected Miscellaneous Petitions are closed.

15.11.2022

Index : Yes / No
Speaking Order
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To

1. The Secretary,
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and Water Supply Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Chennai Municipal Corporation,
Ripon Building, Chennai – 600 003.



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3. The Assistant Revenue Officer,
zone – IX, Corporation of Chennai,
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