



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

S.A.(MD) No. 546 of 2005

The Kumbakonam Municipality,
Represented by its Commissioner,
Kumbakonam.

...Appellant/Appellant/Defendant

Vs.

G.Muthukrishnan

...Respondent/Respondent/Plaintiff

PRAYER: This Second Appeal is filed under Section 100 of Civil Procedure Code, against the Decree and Judgment dated 06.11.2003 of the learned Principal Subordinate Judge of Kumbakonam, in dismissing the First Appeal in A.S.No.120 of 2003 and confirming the Decree and Judgment dated 24.06.2002 of the learned Principal District Munsif Court, Kumabakonam in O.S.No. 133 of 2000.

For Appellant : Mr.V.Raghupathi

For Respondent : Mr.B.Jameel Arasu

ORDER

This Second Appeal has been filed against the Decree and Judgment, dated 06.11.2003 passed by the learned Principal Subordinate Judge of Kumbakonam, in dismissing the First Appeal in A.S.No.120 of



2003 and confirming the Decree and Judgment, dated 24.06.2002 passed by the learned Principal District Munsif Court, Kumabakonam in O.S.No. 133 of 2000.

2.The respondent has filed a suit in O.S.No.133 of 2000 for the relief of declaration and permanent injunction. The said suit was decreed on 24.06.2002. Against which, the Kumbakonam Municipality has preferred an appeal in A.S.No.120 of 2003 and the same was dismissed. Aggrieved over the same, this Appellant is before this Court.

3.As per the Judgment of this Court in SA(MD)No.104 of 2005, in similar matter, this Court has dismissed the second appeal on the ground that no sufficient opportunity has been given to the plaintiff before enhancing the tax, thereby, the substantial question is answered as against the Municipality.

4.In this case also, similar procedure has been followed by the Municipality. The Municipality has not given sufficient opportunity to the plaintiff before enhancing the tax and it has not followed the due procedure.



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5. In view of the above, this Second Appeal stands dismissed, confirming the Decree and Judgment, dated 06.11.2003 passed by the learned Principal Subordinate Judge of Kumbakonam, in dismissing the First Appeal in A.S.No.120 of 2003 and confirming the Decree and Judgment, dated 24.06.2002 passed by the learned Principal District Munsif Court, Kumabakonam in O.S.No. 133 of 2000. No costs.

20.07.2022

Index : Yes/No
Internet: Yes/No
ksa

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1. The Principal District Munsif Court,
Kumabakonam.
2. The Principal Subordinate Judge,
Kumbakonam,



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4

S.ANANTHI, J.

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S.A.(MD) No. 546 of 2005

20.07.2022