



WEB COPY

WMP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Eighth day of August Two Thousand and Twenty Two
PRESENT

The Hon'ble Mr. Justice R. VIJAYAKUMAR

WMP(MD). No.12593 of 2022

IN WP(MD).NO.19905 OF 2013

K. Palanisamy,
S/o. S.R. Kumarappa Gounder
No.7A Ramakrishnapuram
Karur.

... Petitioner/Petitioner

Vs

- 1 The Town Planning Officer,
Karur Municipality
Karur District.
- 2 The Commissioner
Karur Municipality
Azad Road Karur District
- 3 The Chairman
Appellate Authority For Tax
Karur Municipality
Azad Road Karur.

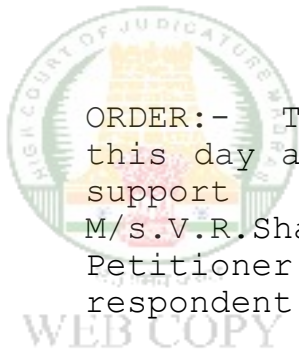
... Respondents/Respondents

Prayer in WMP(MD).NO.12593 of 2022 :-

This Miscellenaous Petition filed under Article 226 of Constitution of India, to recall the order dated 10/07/2017 in W.P.(MD) No.19905 of 2013 holding that the writ petition had become infructuous and to hear the matter on merits and pass such further or other orders as this Honble Court may deem fit and proper in the facts and circumstances of the above case and thus render justice.

Prayer in WP(MD).No.19905 of 2013 :-

This Writ Petition is filed under Article 226 of Constitution of India, to issue Certiorarified Mandamus, calling for entire records relating to the proceedings of the 2nd respondent தொ.மு.மேல்.மு.மனு எண்.01/2013/அ3 dated 24.05.2013 communicating the proceedings of 3rd respondent and consequential impugned proceedings of 2nd respondent in ந.க.எண்.மேல்.மு.எண்.01/2013/அ3 dated 30.10.2013 and quash the same as illegal and consequently to direct the respondents to afford the petitioner an opportunity of hearing and hold an enquiry and dispose the appeal filed by the petitioner in accordance with law.



ORDER:- This Writ Miscellaneous Petition coming on for ()n this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.V.R.Shanmuganathan For M/s.A.L.Kannan, Advocate for the Petitioner and of M/s.K.Balasubramani, Government Advocate for the respondent 2nd Respondent, this Court made the following order:

This writ petition has been filed challenging an order passed by the second respondent in the writ petition, under which, the request of the petitioner to reduce the property tax was rejected. When the writ petition was pending, the same second respondent had issued a demand notice on 30.10.2013, demanding the amount as per the impugned order, dated 24.05.2013. The said consequential order was challenged in W.P(MD)No.20910 of 2013.

2. When this writ petition came up for hearing today, it was erroneously represented that in view of the consequential order of the second respondent, the writ petition challenging the original order has become infructuous. The said erroneous representation was taken into account and the learned Judge has proceeded to dismiss the said writ petition as infructuous.

3. A perusal of the prayers in both the writ petitions will clearly indicate that W.P(MD)No.19905 of 2013 has been filed challenging the original order passed by the second respondent herein and W.P(MD)No.20910 of 2013 has been filed challenging the consequential order passed by the second respondent herein. Hence, the said submission has been made by the learned counsel for the respondent, without properly understanding the scope of the second impugned order. In view of the above said facts, this has led to passing of the order, dated 10.07.2017 closing the said writ petition as infructuous.

4. In view of the above said discussion, the said order be passed on an erroneous representation is hereby recalled and W.P(MD) No.19905 of 2013 is restored to the file .

4. Post the writ petition along with W.P(MD)No.20910 of 2013 on 16.08.2022.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

12/08/2022

Sub Assistant Registrar(CS)



TO

1. The Town Planning Officer,
Karur Municipality
Karur District.

2. The Commissioner
Karur Municipality
Azad Road
Karur District

3. The Chairman
Appellate Authority For Tax
Karur Municipality
Azad Road
Karur.

Copy to:

The Section Officer,
Writ Posting Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 08/08/2022
NEXT HEARING : 16/08/2022

=====

ORDER

=====

WMP(MD) . No.12593 of 2022
IN
WP(MD) .NO.19905 OF 2013

Giving direction and etc.
as stated within.

al(CO)
TR(12.08.2022) 3P 5C