



W.P(MD).No.21750 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

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Madurai District Mill Workers Union (H.M.S),
Represented by its General Secretary,
V.Pathervellai,
No.102, New Jail Road,
Madurai.

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent to refund a sum of Rs.1,28,266/- paid by the petitioner as vacant site tax in respect of land situated in Ward No.XXII, Block No.25 in T.S.No.8/2 at Ponmeni Village, Arasaradi Sub Division, Madurai District by considering the petitioner's representation, dated 02.06.2022 within a period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
For M/s.Ajmal Associates
For Respondent : Mr.K.K.Kannan
Standing Counsel



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ORDER

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This writ petition has been filed directing the Respondent to refund a sum of Rs.1,28,266/- paid by the petitioner as vacant site tax in respect of land situated in Ward No.XXII, Block No.25 in T.S.No.8/2 at Ponmeni Village, Arasaradi Sub Division, Madurai District by considering the petitioner's representation, dated 02.06.2022

2. Mr.K.K.Kannan, learned Standing Counsel takes notice for the sole Respondent.

3. During the year 2017, some of the staffs of the Respondent office put up a fence in and around the above said property. Aggrieved over the same, the Petitioner filed a suit in O.S.No.633 of 2017 on the file of Principal District Munsif Court, Madurai and sought for permanent injunction and the same was dismissed, by an order, dated 18.03.2022. since the District Court decided that subject property belongs to the Respondent Corporation, the Respondent is bound to refund the vacant site tax paid by the Petitioner Union. Hence, in this regard, the Petitioner submitted a representation to the Respondent on 02.06.2022 to refund the vacant site tax. However, till date,



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the Respondent has not taken any action on the representation of the petitioner. Hence, the present Writ Petition has been filed.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. It is submitted by the learned Standing Counsel appearing for the Respondent that the representation of the Petitioner would be considered and orders passed thereon in accordance with law.

6. In view of the same and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the Respondent herein to consider the Petitioner's representation dated 02.06.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the respondent to consider the representation on its own merits.



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7. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes / No
Internet : Yes/ No
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To
The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

MOHAMMED SHAFFIQ, J.

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