BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.12155 of 2015
and
M.P(MD)No.1 of 2015

The Secretary,
Vivekananda College,
Thiruvedagam,
Madurai District. ... Petitioner

Vs.

1.The Additional Director of Panchayat,
Madurai District.

2.The Block Development Officer,
Vadipatti Panchayat Union,
Vadipatti,
Madurai District.
(R1 & R2 are suo motu impleaded vide Court order dated 16.06.2022 in WP(MD)No.12155 of 2022)

3.Thiruvedagam Village Panchayat,
Represented by its President,
Thiruvedagam,
Vadipatti Union,
Madurai. ...Respondents
(Respondent ranked as R3 vide Court order dated 16.06.2022 in WP(MD)No.12155 of 2022)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order, dated 09.07.2015 passed by the respondent and quash the same.

For Petitioner	:	MrT.Antony Arul Raj
For R1 & R2	:	Mr.P.Subbaraj Special Government Pleader
For R3	:	No Appearance

ORDER

The petitioner is a Secretary of Vivekananda College, Thiruvedagam, Madurai District filed this writ petition to quash the impugned order, dated 09.07.2015 passed by the third respondent. In the impugned notice, property tax demand for Vikenanda College, Vikenanda higher Secondary School and Narendra Nursery, Kids School for the year 2015-2016 for a total sum of Rs. 5,69,966/- made.

2. The contention of the petitioner is that the petitioner's college was started during 1971. It is an aided institution. It is run by Ramakrishna Tapovanam, which was founded by the legendary Sage Swami Chidhbhavananda Maharaj of Thiruparayathurai, Trichy District. The institution is a charitable institution working for the welfare of the poor and for the weaker sections. Therefore, considering these aspects, the Government of Tamil Nadu exempted the institution from payment of property tax. In this regard, the Tapovanam wrote to the Government requesting to provide the

details. The Government responded vide communication in Na.Ka.No. 7225/2013/ Panchayat 3.1, dated 14.07.2014. In the said communication, the petitioner's college is figuring at serial No.10, wherein, Vikenanda College and Vikenanda Higher Secondary School shown are recorded as aided school and with regard to Narendra Nursing and Kids School is recorded as a self-financing institution. Further, through the impugned notice, the third respondent threatened the petitioner, if the property tax is not remitted immediately, action will be taken under Section 171 of Tamil Nadu Panchayats Act, 1994. The impugned notification is contrary to the exemption granted by the Government. He further submitted that as per G.O.Ms.No. 1178, Health, Education and Local Administration, dated 30.08.1995, the petitioner's institution was exempted and not required to pay property tax. Further, the communication of the Principal Director Secretary Rural Development, confirms the same.

3. The learned Special Government Pleader for the second respondent filed counter stating that as regards the unaided institution, there can be no exemption from property tax. The said institution are run for commercial purposes, amounts collected from the students. Hence, the petitioner is liable to pay property tax for unaided school. He further submitted that petitioner's

institutions both aided and unaided situated in an combined huge complex. Even the self-financing institution is located in the same compound. The petitioner is collecting fees for the unaided and self-financing institution and for which the petitioner cannot claim any exemption. Since the petitioner failed to pay the property tax for the unaided institution, notice was issued. He fairly admitted that the third respondent in the notice ought not to have included Vikenanda College and Vikenanda Higher Secondary School, which are aided institution. As regards the Narendra School, which is unaided institution, the petitioner is liable to pay the property tax.

4. The learned counsel for the petitioner submits that already he had instructed the petitioner to pay property tax for unaided and self-financing institutions. In this case, the petitioner shall pay the property tax to the Narendra School,an unaided institution.

5. Considering the submission and on perusal of the materials, it is seen that the petitioner's institution is exempted from payment of property tax by G.O.Ms.No.1178 Health, Education and Local Administration, dated 20.08.1955, which is confirmed by the communication of the Principal Secretary Director of Rural Development in Na.Ka.No.7225/2013/ Panchayat

3.1, dated 14.07.2014. As regards the Vikenanda College and Vikenanada Higher Secondary School both are aided institution, hence, exempted from payment of property tax, as regards Narendra School, it is self-financing institution, the petitioner is liable to pay property tax.

6. In view of the same, the impugned notice, dated 09.07.2015 demanding property tax for Vikenanda College and Vikenanda Higher Secondary School to that extent is hereby quashed. As regards the demand of property tax for Narendra School, the same is sustained, which is a self-financing institution.

7. With the above, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2022

Index : Yes / No
Internet : Yes/ No
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To
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Madurai District.

2.The Block Development Officer,
Vadipatti Panchayat Union,
Vadipatti,
Madurai District.

3.The President,
Thiruvedagam Village Panchayat,
Thiruvedagam,
Vadipatti Union, Madurai.

M.NIRMAL KUMAR, J.

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