



W.P.(MD)No.25055 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.25055 of 2022

K.Sankar

... Petitioner

Vs.

1.The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai,
Tallakulam, Madurai-625 002.

2.The Assistant Commissioner,
Madurai Corporation,
Zone No.4, CMR Road,
Madurai 625009.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 29.09.2022 within the stipulated time.

For Petitioner	:Mr.N.Murugesan
For Respondents	:Mr.K.K.Kannan
	Standing Counsel



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ORDER

The present writ petition is filed to direct the respondents to consider the petitioner's representation dated 29.09.2022, praying for refund of excess Property Tax paid on account of cancellation of A, B, C and restoring of Category D.

2.The petitioner is the owner of building in 83, APK Main Road, Meenakshi Nagar, Avaniyapuram, Madurai. Certain areas in the outskirts were included in Madurai Corporation which included Avaniyapuram in the year 2011 and was assessed under Category “D” of property tax. Thereafter, the assessment of property tax under Category D was cancelled in the year 2018. However, the respondent corporation had once again passed resolution 727மௌ4/019440/18 and brought the property under Category of D and assessed to property tax the buildings in the outskirts of Madurai Corporation including A, B, C and D in the year 2021. The petitioner submitted a representation dated 29.09.2022, requesting the property tax to be assessed under the appropriate category, namely category “D” from 01.04.2020, the same is stated to be pending consideration.



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4.Mr.K.Kannan, learned Standing Counsel appearing on behalf of the respondents submitted that the representation of the petitioner dated 29.09.2022 to the respondents would be considered on merits and in accordance with law.

5.Considering the limited scope of the prayer sought for in this writ petition, there shall be a direction to the respondents herein to consider the representation of the petitioner, dated 29.09.2022 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner. 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 respondents to consider the representation on its own merits.



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6. With the above direction, this Writ Petition stands disposed of.

No costs.

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Index : Yes / No

Speaking Order/Non Speaking Order

sbn

To

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MOHAMMED SHAFFIQ, J.

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