IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.02.2023**

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.5490 of 2023 and W.M.P. No.5520 of 2023

1.A.Selvaraj

2.A.Selvamani ... Petitioners

Vs.

1.The Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.

2.The Tamil Nadu Industrial
Investment Corporation Ltd.,
Sri Lakshmi Complex,
1st Floor, No.4/22,
Omalur Main Road,
Swarnapuri,
Salem – 636 004,
rep. by its Branch Manager. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the Distraint Notice dated 30.01.2023 on the file of the first respondent and quash the same.

For Petitioners	:	Mr.S.Doraisamy
For R1	:	Mr.L.P.Maurya, Standing Counsel

ORDER

The petitioners have challenged the Distraint notice dated 30.01.2023 on the ground that the subject property is not in the possession of the petitioners and is in the possession of the second respondent, Financial Institution from whom the petitioners had availed financial facilities and they had committed default.

2.The petitioners submit that the first respondent's officials are disturbing the peace of the petitioners by coming to their residence and threatening them that for non payment of property tax, their residential property will be attached.

3.Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.L.P.Maurya, learned Standing Counsel, who accepts notice on behalf of the first respondent.

4.Admittedly, the impugned Distraint Notice pertains to a different property and it is not the residential property of the petitioners. Earlier, by order dated 14.07.2017 passed by this Court in W.P. No.37198 of 2003, filed by the first petitioner herein, this Court had directed the first petitioner to pay the arrears of the property tax to the first respondent and permitted the respondent to take action against the first petitioner under the Tamil Nadu District Municipalities Act, 1920 for the non payment of property tax by the first petitioner. But till date, the property tax has not been paid and only under those circumstances, the impugned Distraint Notice has been issued to the petitioners.

5.It is brought to the notice of this Court by the learned Standing Counsel appearing for the first respondent that as early as on 23.05.2022, the first petitioner had communicated with the first respondent stating that the first petitioner has entered into a one time settlement with the second respondent and after sale of the property, the property tax arrears of the first respondent will be paid.

6.All the aforementioned factors clearly indicate that the petitioners are defaulters in payment of property tax to the first respondent and have not paid the same despite several notices sent by the first respondent.

ABDUL QUDDHOSE, J.

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Therefore, this Court does not find any merit in this writ petition. Accordingly, this writ petition stands dismissed.

7.Insofar as the residential property of the petitioners is concerned, the first respondent shall take action against the same only in accordance with law. No costs. Consequently, connected W.M.P. stands closed.

24.02.2023

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To

The Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.

W.P.No.5490 of 2023 and W.M.P. No.5520 of 2023