



WEB COPY



W.P.No.5843 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.5843 of 2023
and
W.M.P.No.5835 of 2023

M/s.Saravana Selvarathinam Retail Pvt Ltd
and M/s. Shri Rathna Akshaya Estates Pvt Ltd.,
Rep. By its Managing Director S.Saravana Arul,
Door No.9, Thuraipakkam – Pallavaram Radial Salai,
Pallavaram, Chennai – 600 047. .. Petitioner

VS

The Commissioner,
Tambaram Municipality,
Office of Tambaram Municipality,
Zone – 2, Tambaram,
Chennai – 600 044. .. Respondent

Petition filed under Article 226 of the Constitution of India praying
to issue a writ of certiorari calling for the records pertaining to the
impugned order passed by the respondent herein in
Na.Ka.No.4575/2022/A1 dated 06.02.2023 and quash the same.

For Petitioner	:	Mr.E.Karthik Raja
For Respondent	:	Mr.P.Srinivas Standing Counsel



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ORDER

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The petitioner, a private limited company, challenges an order passed by the Commissioner Tambaram Municipality levying property tax under the provisions of the Coimbatore City Municipal Corporation Act, 1981.

2. The main ground is the violation of principles of natural justice and Mr.P.Srinivas, learned standing counsel, appearing for the respondent today fairly accedes to the position that the reply filed by the petitioner prior to finalization was not taken into account since there was no authorization provided by the person, who attended the hearing. In such circumstances, he would submit that the matter may be remanded to the file of the authority for de novo hearing.

3. To be noted that a detailed counter has been filed by the respondent setting forth their objections to various other grounds that have been raised in the writ petition.

4. In light of the discussion as above, and solely on the ground of violation of principles of natural justice, the impugned order is set aside. The petitioner will appear before the respondent



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on Friday i.e., 23.06.2023 at 10.30 a.m. without expecting any further notice in this regard. The representative shall ensure that he carries authorization from the petitioner and if so he shall be heard, written submission / supporting documents, if any, considered and an order be passed de novo, in accordance with law, within a period of four weeks from date of personal hearing.

5. This writ petition stands disposed. No costs. Connected miscellaneous petition is closed.

13.06.2023

Index:Yes/No
Neutral Citation:Yes
ssm

Note to Registry : Issue copy of order on 14.06.2023

To:

The Commissioner,
Tambaram Municipality,
Office of Tambaram Municipality,
Zone – 2, Tambaram,
Chennai – 600 044.



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DR. ANITA SUMANTH,J.

ssm

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