



W.P.Nos.10355 & 10360 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.04.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.10355 & 10360 of 2023 &
WMP.No.10323 of 2023

M.Ramalingam ... Petitioner in WP.10355 of 2023

J.Yoganandan ... Petitioner in WP.10360 of 2023

Vs

1.The Principal Secretary to Government
Municipal Administration & Water Supply,
Chief-Secretariat, Fort Saint George, Chennai-600 009

2.The Director of Municipal Administration
No.-75- D.G.S.Dinakaran Road, M.R.C.Nagar,
Raja Annamalaipuram, Chennai-600 028

3.The Commissioner
Maraimalai Municipality,
Maraimalai Nagar,
Chengalpattu District-603 204. ... Respondents in both WPs

Prayer in WP.No.10355 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the third respondent herein to consider the representations of the Petitioner including the last one dated 21.11.2022, to measure the built-up/ carpet area of the house of the Petitioner, properly assess and fix up the property tax applicable for the past



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and future in terms the Act, G.Os [Ms]:No-52 dated 30-03-2022, committee recommendations dated 24-03-2022 etc., and consequently to adjust the amount of Property tax so paid now over and above and in excess, either against the tax due and payable in future or to refund the amount to the Petitioner forthwith.

Prayer in WP.No.10360 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the third respondent herein to consider the representations of the Petitioner including the last one dated 04.02.2020, including the one dated 20.02.2023 to measure the built-up/carpet area of the house of the Petitioner, properly assess and fix up the property tax applicable in the past and in future in accordance with the Act, G.O.s (Ms)No.52 dated 30.03.2022 Committee Recommendations etc., 24.03.2022 and consequently to adjust the amount of Property tax paid over and above and in excess, either against the tax due and payable in future or to refund the amount to the petitioner forthwith.

(In both WPs)

For Petitioners : Mr.K.S.Narayanan

For Respondents : Mr.K.V.Sajeev Kumar (for R1 & R2)
Special Government Pleader

Mr.L.P.Maurya (for R3)
Standing Counsel

COMMON ORDER

Mr.K.V.Sajeev Kumar, learned Special Government Pleader accepts notice for R1 and R2 and Mr.L.P.Maurya, learned Standing Counsel accepts



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notice for R3 and both are armed with instructions to enable final disposal of this writ petition even at the stage of admission. Hence, by consent expressed by all learned counsel, and in fact, at their request, this writ petition is disposed of at this stage.

2.The petitioner, is a resident of Maraimalai Nagar, Chengalpattu District and seeks a mandamus directing the 3rd respondent the Commissioner, Maraimalai Municipality to consider his representations commencing from 2015 till the most recent dated 21.11.2022 to measure the built up/carpet area in the petitioner's house at No.159-D3, Vanna Malar Street, Annai Aradhana Ashtalakshmi Nagar, Gudalur Village, Maraimalai Nagar, Chengalpattu District – 603 204, and assess the same to property tax in terms of G.O.Ms.No.52 dated 30.03.2022.

3.He also seeks a direction for adjustment of the property tax paid against tax due or to refund any amount paid in excess. Since (i) there are various factual assertions that the petitioner makes in regard to the manner of fixation of property tax in this area, (ii) he would only seek a fixation of property tax in terms of G.O.Ms.No.52 dated 30.03.2022 and (iii) he has made representations before the authorities seeking the same prayer, it would be appropriate to issue mandamus as desired.



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4. In fact, as recently as on 27.12.2022, the Director of Municipal Administration/R2 has written to R3 referring to the representations of the petitioner and asking for an Action Taking Report (in short 'ATR') by R3 in regard to the grievances expressed by the petitioner. Admittedly, there is no ATR that has been furnished thus far. Seeing as the petitioner has been expressing grievances from 2015 in regard to the matter of fixation of property tax in respect of his property in Maraimalai Nagar, let the needful be done in terms of the hearing the petitioner and the representation disposed within a period of six (6) weeks from today, after hearing the petitioner.

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

03.04.2023

vs

Index : Yes / No

Speaking Order

Neutral Citation : Yes

To

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3. The Commissioner
Maraimalai Municipality,
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Dr.ANITA SUMANTH, J.

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