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W.P.No.33437 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33437 of 2022
and
W.M.P.No.32884 of 2022

M/s.C.S.Central Matriculation Higher
Secondary School,
Rep. by its Correspondent,
Mr.C.Varghese
No.1, Thendral Nagar West,
Thirumullaivoyal,
Chennai - 600 062.

... Petitioner

Vs.

The Commissioner,
Avadi City Municipal Corporation,
Chennai - Thiruvallur District.

... Respondent

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for all the records pertaining to the demand notice No.012/009/901825 dated 13.09.2022 issued by the respondent to the petitioner's School, calling upon to pay the property tax and quash the same so far as it imposes 60% of educational surcharge is concerned and direct the respondent not to demand or collect surcharge on property on the buildings owed by the petitioner school.



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For Petitioner : Mr.D.Sahithya

For Respondent : Mr.R.Gopinath

ORDER

The petitioner has challenged the impugned demand notice dated 13.09.2022 calling upon the petitioner to pay a sum of Rs.5,09,176/- towards property tax and Solid Usage Charges (SUC) which are in arrears from 2018 - 2019 upto 2022-2023.

2. Eventhough several grounds have been raised by the petitioner in this Writ Petition to challenge the impugned demand notice, learned counsel for the petitioner on instructions would now submit that the petitioner is willing to pay the impugned demand amount provided, they are permitted to pay the same in three monthly installments. The said undertaking given by the petitioner is recorded.

3. This Court also takes note of the fact that the petitioner is an educational institution and considering the same, the installment payments sought for by the petitioner will have to be accepted, that too when the



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respondent is interested only in revenue.

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4. For the foregoing reasons, this Writ Petition is disposed of, after recording the undertaking given by the petitioner through its counsel, by directing the petitioner to pay the respondent the demand amount of Rs.5,09,176/- in three equal monthly installments commencing from March, 2023, on or before 5th of every English Calendar Month without committing any default. In case, the petitioner commits any default in the payment of monthly installments, the respondent is at liberty to proceed against the petitioner in accordance with law. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

30.01.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

The Commissioner,
Avadi City Municipal Corporation,
Chennai - Thiruvallur District.

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ABDUL QUDDHOSE. J.,

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