BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.A(MD)Nos.174 to 180 and 356 of 2023
and
Connected Miscellaneous Petitions

The Bharat Sanchar Nigam Limited
Tirunelveli,
Through its General Manager ... Appellant

vs.

1. The Commissioner,
Shencottai Municipality,
Shencottai.
... R1 in W.A(MD)Nos.174 to 180 of 2023

1. The Commissioner,
Sankarankovil Municipality,
Sankarankovil. ... R1 in W.A(MD)No.356 of 2023

2. The Union of India,
Rep by the Secretary,
Department of Telecommunication,
New Delhi. ... R2 in all Writ Appeals

PRAYER in all Writ Appeals : Appeals filed under Clause 15 of Letters Patent, against the order dated 29.07.2022 passed in W.P(MD)Nos.3554 to 3561 of 2011.

For Appellant : Mr.K.Govindarajan

For R1(in all appeals) : Mr.P.T.Thiraviam
Government Advocate
For R2 : Mr.V.B.Sundareshwar
Central Government Standing Counsel

COMMON JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The short point that arises in all these appeals filed by the Bharat Sanchar Nigam Limited, Tirunelveli, is as to the date from which the property will vest with in the company so as to entail the local authorities to seek payment of property tax.

2. The issue is no longer *res integra*. A Division Bench of this Court in **Bharat Sanchar Nigam Limited vs. Commissioner, Nagercoil Municipality (Review Application(MD)Nos.77 to 84 of 2018 dated 21.12.2018)** has categorically held that the appropriate date of vesting of the property in BSNL would be the date on which the property was transferred to BSNL namely, 19.04.2011 and not before that. Till the date of transfer to BSNL, the property belonging to the Telephones Department belonged to the President of India exempt from property tax. Therefore, the

property that is vested in BSNL from 19.04.2011 becomes assessable to property tax from the said date and not before that. Unfortunately, the dictum of the Division Bench which is dated 21.12.2018 was not brought to the notice of the learned Single Judge who held that since BSNL came into existence on 01.10.2000, the property of BSNL is assessable to property tax from the said date.

3. In view of the categorical pronouncement of the Division Bench of this Court, these writ appeals will have to be allowed and they are accordingly allowed. The demands made are quashed save those demands which relate to the period after 19.04.2011. The effect will be that these properties could be assessed for tax from 19.04.2011 and not before that.

4. The Writ Appeals are accordingly allowed as indicated above. No costs. Connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)

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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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To

1. The Commissioner,
Sankarankovil Municipality,
Sankarankovil.

2. The Commissioner,
Shencottai Municipality,
Shencottai.

3. The Secretary,
Union of India,
Department of Telecommunication,
New Delhi.

COMMON JUDGMENT MADE IN
W.A(MD)Nos.174 to 180
and 356 of 2023
DATED : 11.04.2023