



W.P. (MD) No 3592 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 3592 of 2023

S.Subbaraman

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.

2.The Director,
Municipal Administration,
Chennai-600 028.

3.The Commissioner,
Thoothukudi Corporation,
Thoothukudi-628 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the first respondent i.e., the Additional Chief Secretary to Government, Municipal Administration and Water Supply Department, Chennai to pass appropriate orders on the petitioner's representation dated 18.01.2023, regarding revision of house tax in respect of the building situated in Door No.2/1, Bungalow Street, Thoothukudi as

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Rs.16,448/- instead of Rs.35,464/- and to adjust the excess tax paid in the ensuing house tax years, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr. S.Visvalingam
For R1 and R2 : Mr. K.S.Selvaganesan
Additional Government Pleader
For R3 : Mr. N.Anandakumar

ORDER

Heard Mr. S.Visvalingam, Learned Counsel appearing for the Petitioner, Mr. K.S.Selvaganesan, Learned Additional Government Pleader for the First and Second Respondents and Mr. N.Anandakumar, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that the actual extent of his property situated at Ward No. 43 within the limits of Thoothukudi Corporation in Door



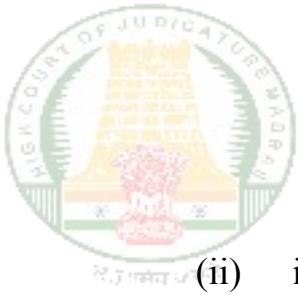
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No. 2/1, Buckelepura Street, is only 4638 Sq.Ft., but assessment has been made as if it was for an extent of 10,000 Sq.Ft., from the year 2001 onwards and consequently, there has been excess payment of property tax for all these years. In that backdrop, the Petitioner had made a representation dated 08.11.2023 for rectifying the extent of property for assessment of property tax to the First to Third Respondent, but as there was no response for the same, this Writ Petition has been filed.

3. Learned Counsel for the Petitioner states that the Petitioner would be satisfied if the representation is disposed by the Third Respondent and he has made an endorsement to that effect in the court record.

4. Having regard to the aforesaid submissions made, this Court without expressing any opinion on the merits of the controversy involved, passes the following order:-

(i) the Third Respondent shall examine the representation dated 18.01.2023 made by the Petitioner with specific reference to the actual extent of the property for assessment of property tax;



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- (ii) it shall also be incumbent upon the Third Respondent to depute an authorized Engineer and Surveyor to measure the actual extent in occupation of the Petitioner in his presence for assessment of property tax with reference to the available records from the year 2001 onwards till date;
- (iii) if it is found that any other details or supporting documents are necessary for granting the relief claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 clear working days for the same;
- (iv) in the event of not being satisfied with the said requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard;
- (v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law; and
- (vi) report of such compliance shall be filed before the Registrar (Judicial) of this Court by 31.03.2023.



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In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

22.02.2023

NCC : Yes/No
Index : Yes/No
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Note: Issue order copy by 03.03.2023

To

- 1.The Additional Chief Secretary to Government,
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Secretariat, Chennai-600 009.
- 2.The Director,
Municipal Administration,
Chennai-600 028.
- 3.The Commissioner,
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P.D.AUDIKESAVALU,J.

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