



W.P.(MD)No.14505 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.14505 of 2023

and

W.M.P(MD)No.12303 of 2023

R.Petchiammal

... Petitioner

VS

The Commissioner,
Virudhunagar Municipality,
Office of the Virudhunagar Municipality,
Virudhunagar.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned demand notice issued by the respondent in Tax Assessment No. 132/002/900187, dated 15.05.2023 and quash the same as illegal and consequently direct the respondent to survey and measure and then re-fix the property tax for the petitioner's property in Door No.59/129/1B, Lakshmi Colony, Katcheri Road, Virudhunagar-626 001 for the time stipulated by this Court.



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For Petitioner : Mr.M.Kannan

For Respondent : Mr.P.R.Prithiviraj

ORDER

This Writ Petition is filed for writ of Certiorarified Mandamus challenging the demand notice dated 15.05.2023 and consequently direct the respondent to survey and measure and then re-fix the property tax for the petitioner's property.

2. The learned counsel appearing for the petitioner submitted that the respondent has taken the measurement of the building as 2348 square feet by including 600 square feet in excess than the actual construction which is available in the ground. He further submitted that the respondent had not measured the property when the property was assessed to tax for earlier years. Therefore, the petitioner prays to survey the land and thereafter fix tax as per law.

3. In view of the above, the impugned demand notice dated 15.05.2023 is kept in abeyance. In the meanwhile, the respondent is directed to survey the petitioner's property in the presence of the petitioner afresh and pass a speaking



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order. If the petitioner's property is below 2348 square feet, then the respondent is at liberty to modify the demand notice and issue fresh notice.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2023

Index : Yes / No
Internet : Yes

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S.SRIMATHY, J

am

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