



C.R.P(MD)No.62 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :08.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.62 of 2018

and

C.M.P.(MD)No.252 of 2018

Sahul Hameed

... Petitioner

-VS-

1.Karu Municipality,
Aazad Road,
Karur Town,
Rep.by its Commissioner.

2.The Chairman,
Karur Municipal Council,
Aazad Road,
Karur Town.

... Respondents

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 10.11.2017 in I.A.No.849 of 2017 in O.S.No.70 of 2012 on the file of the Additional District Munsif Court, Karur.

For Petitioner	: Mr.K.Govindarajan
For R1	: Mr.K.Balasubramani
For R2	: No Appearance



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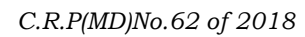
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ORDER

The revision petition has been filed by the plaintiff in O.S.No.70 of 2012 on the file of the Additional District Munsif Court, Karur, challenging the appointment of an Advocate Commissioner to note down the physical features of a four storeyed building and measure the same with the assistance of a qualified Surveyor/P.W.D.Engineer.

2.The revision petitioner as a plaintiff had filed the above suit for the relief of declaration for declaring the property tax demand notices dated 19.11.2010 for three assessment years as illegal and for permanent injunction restraining the Municipal Authorities from collecting such tax. The Municipal Authorities had filed a written statement disputing the contentions of the plaintiff.

3. When the suit was pending, the defendants had filed I.A.No.849 of 2017 for appointment of an Advocate Commissioner to note down the physical features of the four storey building and to measure the same with a qualified Surveyor/P.W.D.Engineer. The said application was strongly resisted by the plaintiff. However, the trial Court had proceeded to allow



5. However, the learned counsel for the respondent Municipality contended that the subject matter of the suit is a four storey building, which is used for commercial purposes. There is a dispute with regard to measurements also. He further contended that the measurements taken by the municipality are not admitted by the plaintiff. These facts forced the Municipal Authorities to file an application for appointment of an Advocate Commissioner.



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6.From the contentions of both the parties, it could be seen that there is a serious dispute whether the property is a residential property or a commercial property. Further, there is also a dispute with regard to the measurements of the building. These two aspects are very much essential to decide about the validity of the assessments made by the defendant Municipality. Therefore, I do not find any merits in the revision petition and the revision petition stands dismissed. Since the suit is of the year 2012, the trial Court is directed to dispose of the suit on or before 31.03.2024. No costs. Consequently, connected miscellaneous petition is closed.

08.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The Additional District Munsif Court,
Karur.
- 2.1.Karu Municipality,
Aazad Road, Karur Town,
Rep.by its Commissioner.
- 3.The Chairman,
Karur Municipal Council,
Aazad Road,
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R.VIJAYAKUMAR,J.

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