



1

W.P.(MD)NO.15538 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15538 of 2015 AND

M.P.(MD)No.1 of 2015

Nirmala Homes Pvt. Ltd.,
Rep. by its Branch Manager,
N.Vanitha Sanjay.

... Petitioner

Vs.

Madurai City Municipal Corporation,
Rep. by its Commissioner,
Anna Maligai,
Madurai.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned notice bearing Ma.Thi.Ma(1)No.18164/2009 dated 19.09.2014 issued by the respondent and quash the same.

For Petitioner : Mr.M.Suresh Kumar

For Respondents : Mr.K.Manisekaran

* * *



WEB COPY

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the respondent Corporation.

2. The Corporation has raised the impugned demand calling upon the petitioner to pay the petition-mentioned amount towards infrastructure and amenities charges. The power of the local body to levy such charges had already been upheld **(2013 (5) CTC 494 (D.Manikandan Vs. State of Tamil Nadu))**. However, certain formalities will have to be observed. Form-B provisional notice has to be served and objection shall be called for. Only thereafter, Form-C demand has to be issued.

3. In this case, there is nothing on record to show that Form-B notice was served on the petitioner. It is for this reason, I interfere. The impugned demand is set aside. The matter is remitted to the file of the respondent Corporation to proceed afresh in accordance with law. This writ petition



3

W.P.(MD)NO.15538 OF 2015

stands allowed. No costs. Consequently, connected
miscellaneous petition is closed.

26.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



WEB COPY



4

W.P.(MD)NO.15538 OF 2015

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.15538 of 2015

26.09.2023