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W.P.(MD)NO.9368 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.9368 of 2015 AND

M.P.(MD)Nos.1 & 2 of 2015

N.Alamelu

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
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 proceedings of the respondent made in Ma.Thi.1(Ma-2)No.18164/2009 dated 19.09.2014 and quash the same.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.S.Vinayak

* * *

ORDER

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



2. The Corporation has issued the impugned notice 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 stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2023

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



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