



W.P(MD)No.24301 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24301 of 2023

R.Madan Mohan

... Petitioner

Vs

The Nagercoil Municipal Corporation,
Rep by its Commissioner,
Nagercoil,
Kanyakumari District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to assess the property tax for the petitioner's building in Ward No.22, Door No.111, College Road, Nagercoil, Kanyakumari District to an extent of 1760 sq.ft under residential/non commercial category by following the due process of law within the time period stipulated by this Court.

For Petitioner
For Respondent

: Mr.T.Aswin Raja Simman
: Mr.F.Deepak
Standing Counsel



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ORDER

The petitioner with a grievance that the property tax has been assessed by the respondent Corporation treating the petitioner's premises as commercial building has filed this writ petition for a Mandamus to direct the respondent to assess the property tax of the petitioner's premises in Ward No.22, Door No. 111, College Road, Nagercoil, Kanyakumari under residential/non-commercial category.

2.The case of the petitioner is that the above mentioned property belongs to the petitioner. The premises was let out for rent to Nagercoil Stone Clinic and therefore, the property tax was assessed by the respondent Corporation under the Commercial category. The tenancy came to an end on 31.10.2019. Thereafter, the premises is used for residential purpose by the petitioner. However, the respondent Corporation continued to assess the property tax for the petitioner's premises under the commercial category.



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3. On the submissions of the learned counsel for the petitioner, this Court by earlier order directed the respondent Corporation to inspect the petitioner's premises and to file a report as to the usage of the premises before this Court.

4. Today (13.10.2023), when this writ petition is taken up for hearing, the learned Standing counsel appearing for the respondent Corporation submits that as per the order of this Court, the respondent has conducted an inspection and ascertained that the petitioner's premises is being used for the purpose of residential and they are now intending to convert the tax into residential category.

5. In view of the submission made by the learned Standing Counsel, this writ petition is disposed of with a direction to the respondent to revise the tax from the category of commercial to residential with effect from the date, in which it has been converted for residential purpose, within a period of four weeks from the date



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of receipt of a copy of this order. No costs.

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13.10.2023

NCC: Yes/No

Index: Yes/No

Internet: Yes

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To

The Nagercoil Municipal Corporation,
Rep by its Commissioner,
Nagercoil,
Kanyakumari District.



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B.PUGALENDHI, J.

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