



W.P.(MD) No.11650 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.11650 of 2024

R.Thangavel

... Petitioner

Vs.

The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent, Commissioner, Tirunelveli Corporation to re-assess the property of the petitioner under the assessment numbers of 146/016/903051 and 146/016/903052 for fixing the solid waste user charges to his two shops namely T.R.T.Metels, situated at 87/1,87/2 Asad Road, Tirunelveli Town, Tirunelveli on the basis of petitioner's representation/ appeal submitted to the respondent on 15.02.2024 through registered post with acknowledgment due.

For petitioner : Mr.K.Abiya

For respondent : Mr.S.P.Maharajan
Standing Counsel



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ORDER

The petitioner is before this Court for a Writ of Mandamus directing the respondent to consider the petitioner's representation to re-assess the property of the petitioner under the assessment numbers of 146/016/903051 and 146/016/903052 for fixing the solid waste user charges to his two shops.

2. It is the case of the petitioner that he is paying tax regularly for his two shops and that all of sudden, the respondent demanded a sum of Rs. 1,12,544/- when the petitioner went to pay regular property tax for his two shops for the year 2024-25.

3. It is submitted that the amount has been fixed behind back and contrary to the law.

4. This Writ Petition is opposed by the learned Standing Counsel for the respondent on the ground that the petitioner has to file an appeal under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998 which is in force with effect from 13.04.2023.



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5. Having considered the submissions made by the learned counsel for the petitioner and the learned Standing Counsel for the respondent, this Court is of the view that the petitioner has to work out his remedy in accordance with Section 100 of the Tamil Nadu Urban Local Bodies Act, 1998 as against the alleged discrepancies for the demand of the solid waste user charges of Rs. 1,12,544/- for a period stating from 2017.

6. Under these circumstances, this Writ Petition is disposed of by giving liberty to the petitioner to file statutory appeal within a period of 30 days from the date of receipt of a copy of this order. The respondent is, however, directed to accept the payment of property tax as usual for the period from the petitioner, pending disposal of the aforesaid appeal.

This Writ Petition is disposed of, with above directions. No costs.

Index : Yes / No
Internet : Yes / No
apd

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To

The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.



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C.SARAVANAN, J.

apd

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