



W.P.(MD) No.13267 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.13267 of 2024
and
W.M.P.(MD) Nos.11737 and 11738 of 2024

K.Saleem

... Petitioner

/vs./

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari Mandamus, to call for the records of the impugned order dated 14.05.2024 on the file of 2nd respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.K.Sivabalan
Standing Counsel



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ORDER

Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.K.Sivabalan, learned Standing Counsel for the respondent.

2.This is the fourth round of litigation before the Courts. Already, the petitioner had filed a suit against the respondent Corporation in O.S.No.1019 of 1999 purportedly in the exercise of power under Section 9 of CPC. The suit was decreed *ex parte* on 18.12.2009, where the petitioner had questioned the basis of property tax sought to be collected from the petitioner.

3.Thereafter, once again for the subsequent period, the petitioner was issued with a demand notice and therefore, the petitioner rushed to the District Munsif Court, Madurai once again in O.S.No.527 of 2013. The said suit was decreed on 31.03.2021.

4.Now, the petitioner received a demand notice dated 05.01.2024 demanding a sum of Rs.78,62,442/- (Rs.77,86,992/- towards property tax and Rs. 75,450/- towards surcharge) for the period from 1978-79 to 2023-24.



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5.The petitioner has once again approached the District Munsif Court, Madurai in O.S.No.18 of 2024. The suit is still pending.

6.It appears that the respondent Corporation has also made a Miscellaneous Petition for rejecting the plaint, which is said to be pending hearing and orders. Meanwhile, the petitioner has paid a sum of Rs.20,00,000/- on 25.03.2024, which has been encased, pursuant to which the impugned demand for an amount of Rs.69,95,038/- has been demanded.

7.In my view, the petitioner has no leg to stand before this Court challenging the demand after knocking the doors of the Civil Court for the third time in O.S.No.18 of 2024. The correct remedy that is available to the petitioner is under Section 100 of the Tamil Nadu Urban Local Bodies Act, 1988, which came into effect from 13.04.2023.

8.Considering the same, I direct the petitioner to pay another sum of Rs. 25,00,000/- without prejudice to the rights of the petitioner in the proposed appeal



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to be filed under Section 100 of the Tamil Nadu Urban Local Bodies Act, 1988 and without prejudice to the rights of the petitioner in the suit in O.S.No.18 of 2024 on the file of the District Munsif Court, Madurai.

9.It is made clear that the appeal will be entertained subject to the petitioner depositing a sum of Rs.25,00,000/- in 3 installments of Rs.10,00,000/-, Rs. 10,00,000/- and Rs.5,00,000/- per month.

10.With the above liberty, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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