



W.P.(MD).No.22438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

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THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.22438 of 2024

and

W.M.P.(MD).Nos.19017 and 19018 of 2024

A.Dhanabalan

... Petitioner

Vs.

**The Commissioner,
Thoothukudi Corporation,
Thoothukudi.**

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned demand dated NIL on the file of the respondent in respect of the petitioner's property bearing tax Assessment No.138/045/900411 and quash the same as illegal.

For Petitioner	: Mr.K.Jeyamohan
For Respondent	: Mr.N.Anand Kumar Standing Counsel



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ORDER

WEB COPY The present Writ Petition is filed challenging the impugned demand notice, whereby the property tax fixed at Rs.61,302/- for the financial year 2023-2024 was enhanced to Rs.1,81,932/- for the financial year 2024-2025, on the premise that the enhancement is made in gross violation of principles of natural justice.

2. The petitioner is running a Marriage Hall in the name of 'Azhagu Mani Rasi Mahal' in Briyant Nagar, Thoothukudi. It is stated that the petitioner had obtained necessary permission from the appropriate authorities for running the marriage hall and had also paid appropriate taxes without any default. While so, the petitioner was served with the impugned notice demanding a sum of Rs.1,81,932/- as property tax for the financial year 2024-2025, which apparently was arrived at by enhancing the tax from Rs.61,302/- to Rs.1,81,932/- along with other charges, in all Rs.1,83,936/-, out of which, incentive of Rs.3606/- has been reduced.

3. It is submitted by the learned counsel for the petitioner that any enhancement of taxes ought to be made in compliance with the procedures contemplated under Chapter VIII of the Tamil Nadu Urban Local Bodies Rules,



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2023. It is submitted that prior to the demand notice, no copy of the assessment order has been served to enable the petitioner to submit his objection. It was submitted that non compliance of the above procedure contemplated under the Tamil Nadu Urban Local Body Rules results in vitiating the entire proceedings.

4. The learned Standing Counsel for the respondent would submit that this is not enhancement of taxes, instead the demand was only in view of the fact that the return filed by the petitioner is incorrect or incomplete inasmuch as the extent of occupation was greater than what has been disclosed.

5. Assuming the above submission to be correct, nevertheless if the authorities were to proceed on the basis/belief that the returns filed by the petitioner are incorrect or incomplete, it is incumbent on the authority concerned to comply with the procedures contemplated under Chapter VIII of the said Rules and failure to comply with the same vitiates the entire proceedings.

6. At this juncture, the learned Standing Counsel for the respondent would seek liberty of this Court to redo the assessment in compliance with Chapter VIII of the Tamil Nadu Urban Local Bodies Rules, 2023.



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7. In view thereof, the impugned demand notice is set aside and the respondent is at liberty to proceed with the assessment in accordance with law.

8. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
Lm

To
The Commissioner,
Thoothukudi Corporation,
Thoothukudi.



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MOHAMMED SHAFFIQ, J.

Lm

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