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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM :

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.1986 of 2019
and WMP.No.2225 of 2019

Govel Trust
Represented by its President
G.Srinivasan
Running Aravind Eye Hospital at
Avinashi Road, Coimbatore – 641 014. ... Petitioner

vs

1.The Principal Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, St.George Fort,
Chennai – 600 009.

2.The Commissioner
Corporation of Coimbatore
Coimbatore – 641 001.

3.The Assistant Commissioner / Assistant Revenue Officer
East Zone, Coimbatore Corporation
Coimbatore – 641 004. … Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the entire records relating to the impugned assessment and demand notice of the 3rd respondent in Demand Assessment

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No.3617329, 3617328, 3617327 dated 27.10.2018 for the petitioner's property situate at Aravind Eye Hospital and P.G. Institute of Opthamology in S.No.448/3pt, Kalapatti Village, Avinashi Road, Coimbatore – 641 014 and quash the same.

For Petitioner : M/s.M.Sriram

For Respondents : Mr.N.Naveen Kumar, GA for R1.
Mr.K.Magesh for R2 & R3.

ORDER

This writ petition has been filed to call for the entire records relating to the impugned assessment and demand notice of the 3rd respondent in demand assessment No.3617329, 3617328, 3617327 dated 27.10.2018 for the petitioner's property situate at Aravind Eye Hospital and P.G.Institute of Opthamology in S.No.448/3pt, Kalapatti Village, Avinashi Road, Coimbatore – 641 014 and to quash the same.

2. The case of the petitioner is that the petitioner Trust is a Charitable trust running hospitals in the name of Aravind Eye Hospital, having many branches in the State of Tamil Nadu, not only Eye Hospitals but also P.G. Institure of Opthamology. The trust was formed on 14.02.1977 and the main object for which the hospital was

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started was for serving the public by doing medical relief and due to the long time cherishing a desire to serve the public by providing medical relief being given to the sick, the disabled and the handicapped and to promote research in diseases, to provide education, training and research by undertaking suitable programme. The petitioner trust is doing service in the field of eye care and has been effectively functioning by helping people with eye problems for more than four decades.

3. The learned counsel for the petitioner submitted that the petitioner's hospital was started in the year 1997at Kalaptty Town Panchayat, the hospital building and other buildings lie within the present Coimbatore Corporation and the petitioner constrained to challenge the same before this Court in WP.No.14414 and 14415 of 1999. This Court by an order dated 23.01.2009 quashed the property tax demand of the then Kalapatti Town Panchayat.

4. The learned counsel for the petitioner submits that the impugned assessment property tax demand notice dated 27.10.2018 was issued by the 3rd respondent for the petitioner's property. Aggrieved over the same, for the assessment and the demand

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notice, the petitioner has come forward with the present writ petition.

5. The learned standing counsel appearing for the respondents 2 and 3 has filed counter affidavit dated 31.12.2020. The learned standing counsel would submit that petitioner's hospital has rented out a portion for running optical shop, refreshment canteen, snacks & Tea shop, two wheeler parking stand etc in the premises and hence the petitioners hospital is not entitled to the exemption under Section 123(e) of the Act. The relevant portion is extracted hereunder :-

> *“5. It is relevant to state that the petitioner's hospital also has rented out a portion for running Optical Shop, Refreshment Canteen, Snacks & Tea Shop, Two Wheeler parking Stand etc. in the premises and therefore the petitioner's hospital is not entitled to the exemption under section 123 (e) of the Act automatically. The petitioner's hospital hostel is provided with basic amenities such as BT Highways road, drinking water bulk connection obtained directly from the TWAD board and street light facility but is refusing to pay the property tax to the respondent Corporation.*
>
> *12. I submit that Sec. 123(e) of the Coimbatore City Municipal Corporation Act, 1981 defines that,*

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"Charitable Hospital and dispensaries; but not including the residential quarters attached thereto".

Thus, in view of the petitioner hospital activities, petitioner could not claim exemption for the hostel property and for the other buildings in the Hospital premises in accordance with law. Under the circumstances, if the property tax levied is not accepted the respondent Coimbatore Corporation may incur heavy loss in revenue collection in similar cases also and that would set as wrong precedence in future."

6. The learned counsel for the petitioner would submit that has already given a representation dated 05.12.2018 to the 3rd respondent and the same is still pending and no action has been taken till date.

7. The learned standing counsel for the respondents 2 and 3 would submit that as per Section 123(3) of the Coimbatore City Municipal Corporation Act, 1981, the charitable hospital and dispensaries, but not including the residential quarters. The petitioner could not claim exemption for the hostel property and for other buildings in

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the hospital premises. However, the learned standing counsel would submit that already the petitioner has given representation dated 05.12.2018, the petitioner may be directed to submit a fresh representation to the 3rd respondent and the same will be considered on merits and in accordance with law, within the time frame stipulated by this Court.

8. Heard the learned counsel for the petitioner and the learned Government Advocate for R1 and the learned standing counsel for the respondents 2 and 3 and perused the materials available on record.

9. This Court directs the 3rd respondent to consider the representation of the petitioner dated 05.12.2018. The petitioner is also directed to give a fresh representation to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation from the petitioner, the 3rd respondent shall consider the same, after due notice to the petitioner and opportunity of personal hearing to consider the documents filed by the petitioner, on merits and in accordance with law and pass appropriate orders within a period of

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eight weeks thereon.

10. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2025

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
tsh/dsn

To
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Municipal Administration and Water Supply Department
Secretariat, St.George Fort,
Chennai – 600 009.

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