BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD). No.1390 of 2025
and WMP(MD) No.978 of 2025

M/s. Manish Marbles,
Opposite to MGR Bus Stand
Melur Main Road,
Mattuthavani
Madurai
rep. by its Proprietor Rajkumar Jain ... Petitioner

Vs

1. The Commissioner,
Madurai City Municipal Corporation,
Madurai.

2. The Deputy Director,
Madurai Zone,
Office of the Town and
Country Planning,
Madurai. ... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice dated 31.12.2024 in Notice No. Mathi 2/005878/2019 issued by the 1st respondent, set aside the same and to direct the 1st respondent to issue the Revised Property Tax Assessment for the petitioner, enabling it to apply for Plan Approval.

For Petitioner	: Mr.M.Dinesh Hari Sudarsan
For Respondents	: Mr.J.Ashok for R2 Addl. Government Pleader Mr.S.Vinayak for R1

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

Challenging the impugned notice dated 31.12.2024 of the 1st respondent and to direct the 1st respondent to issue the revised property tax assessment, the petitioner is before this Court with this writ petition.

2. Heard the learned counsel for the petitioner, learned counsel for the first respondent Corporation and the learned Additional Government Pleader for the respondent No.2.

3. The Hon'ble Supreme Court as well as this Court had consistently held that challenge to a show cause notice cannot be

entertained by invoking Article 226 of the Constitution of India except for very few exceptions. None of the grounds raised in the present writ petition challenging the notice under Section 56(1) of the Tamil Nadu Town and Country Planning Act (hereinafter referred to as 'the Act') does not fall under any of these exceptions to interfere with the impugned notice. This apart, the Act provides for a mechanism for removal of unauthorized construction by safeguarding the rights of the occupier of the premises also.

4. Admittedly, the petitioner herein has not invoked any of the provisions under the Act for ratification of the construction put up by him invoking Section 56(3), which provides for invocation of Section 49 for retention of the land or building.

5. This apart, as far as the second portion of the prayer for a direction to the Commissioner of City Municipal Corporation to revise the property tax assessment of the petitioner is concerned, we failed to understand as to how this prayer can be clubbed with the first portion of the prayer, which relates to unauthorized construction. It is needless to

point out that the prayer seeking for revision of property tax is a separate cause of action, which cannot be clubbed with the first portion of the prayer. In this background, we do not find any merits in the present writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J] **[A.D.M.C.,J]**
20.01.2025

NCC : Yes/No
Index : Yes/No
RR

To
1. The Commissioner,
Madurai City Municipal Corporation,
Madurai.

2. The Deputy Director,
Madurai Zone,
Office of the Town and Country Planning,
Madurai.

M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
WP(MD) No.1390 of 2025

Date : 20.01.2025