



W.P(MD)No.14295 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.14295 of 2025

and

W.M.P(MD)No.10518 of 2025

S.Naveen Raja

... Petitioner

vs.

1.The Block Development Officer,
Panchayat Union Office,
Munjarai, Kanyakumari District.

2.The Special Officer / Block Development Officer,
Painkulam Village Panchayat,
Painkulam, Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records and to set aside the 1st respondent's impugned letter in Na.Ka.No. A8/ 3882/2024, dated 12.05.2025 and to issue the building tax of the year 2023-2024 at the petitioner ARS Ice Plant, Door No.5/167B, Vettai Villai, Painkulam Village and Post, Kanyakumari District.

For Petitioner : Mr.H.Velava Dhas

For Respondents : Mr.A.Baskaran
Additional Government Pleader



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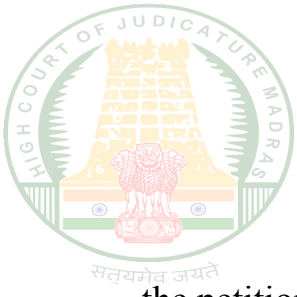
ORDER

WEB COPY

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandaumus, challenging the impugned order, dated 12.05.2025, wherein the petitioner was directed to produce several certificates in order to assess the petitioner's building for imposing property tax.

2.The contention of the petitioner is that already the petitioner has filed W.P.(MD)No.4040 of 2019 and has obtained interim stay, vide order, dated 21.02.2019, for imposing the property tax. In such circumstances, the respondents cannot pass the impugned order wherein it is directed to impose the property tax.

3.The learned Additional Government Pleader appearing for the respondents submitted that even though it is for imposing property tax, the respondents are seeking only the statutory clearance for running the ice plant, especially, the petitioner is directed to produce only the health certificate. For this contention of the learned Counsel appearing for the petitioner replied that already an application is submitted before the appropriate authority, ie., Joint Director, Health Department, Nagercoil, Kanyakumari District, for issuance of health certificate, but the authority has not issued the same.



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4.Since the concerned authority is sitting over the said application, the petitioner cannot be penalized for the said inaction on the part of the authority.

Therefore, the impugned order is kept in abeyance. The respondents are restrained from collecting any property tax as per the interim order, dated 21.02.2019. And as and when the authority issues the health certificate, the petitioner is directed to submit the certificate to the respondents. Thereafter, the respondents shall act as per the law. The petitioner has obtained TIIC certificate from the authority and the same has already been produced. However, the respondents submitted that the same was not produced. Therefore, the petitioner is directed to resubmit the TIIC certificate to the respondents. The respondents cannot demand the health certificate, since the concerned authority is sitting over the application. Therefore, the respondents cannot restrain the petitioner from running the ice plant. The petitioner is allowed to run the ice plant. The Joint Director, Health Department, Nagercoil, Kanyakumari District, shall issue the health certificate forthwith.

5.With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.05.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Tmg



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Note: Issue order copy on 23.05.2025.

To

1.The Block Development Officer,
Panchayat Union Office,
Munjarai, Kanyakumari District.

2.The Special Officer / Block Development Officer,
Painkulam Village Panchayat,
Painkulam, Kanyakumari District.

Copy to

Joint Director,
Health Department,
Nagercoil, Kanyakumari District.



WEB COPY



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.14295 of 2025**

DATED : 22.05.2025