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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.11.2010
CORAM:

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

W.P. (MD) Nos. 4948/2005, 6981/2006, 8752/2006 and 10367/2006 and
W.P.M.P. (MD) No 5342 of 2005 and
M.P. (MD) Nos. 2 and 2 of 2006

W.P. (MD) No. 4948 of 2005:-

F. Mohammed Hussain : Petitioner
Vs.

1. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2. State of Tamil Nadu represented by
its Secretary to Government,
Municipal Administration Department,
Fort St. George Chennai.

3. Director of Municipal Administration,
Chepauk, Chennai. : Respondents

W.P. (MD) No. 6981/2006:-

P. Sahul Hameed : Petitioner
Vs.

1. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2. State of Tamil Nadu represented by
its Secretary to Government,
Municipal Administration Department,
Fort St. George Chennai.

3. Director of Municipal Administration,
Chepauk, Chennai. : Respondents

W.P. (MD) No. 8752 of 2006:-

1. A. Ganapathiappillai
2. G. Arumugam
3. G. Sankaranarayanan
4. G. Ramasamy
5. G. Sundari
6. N. A. Mohana Subbulekshmi
7. S. Senthil
8. R. Shanmugasuleela

vs.

The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli. : Respondent



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Received
on 19/1/2011

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W.P.(MD)No.10367/2006:-

1.K.Sivakumar
 2.K.Pon Anand
 3.K.Mahesh
 4.W.Viswanathan
 5.N.Manickavasagam
 6.Dhanalakshmi Viswanathan
 7.Vinaykumaresamy : Petitioners

vs.

1.The Commissioner,
 Tirunelveli Municipal Corporation,
 Tirunelveli.
 2.State of Tamil Nadu,
 represented by its Secretary,
 Secretary to Government,
 Municipal Administration Department,
 St. George Fort,
 Chennai.
 3.Director of Municipal Administration,
 Chepauk, Chennai. : Respondents

PRAYER in W.P.(MD)No.4948 of 2005: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Declaration declaring that the levy demand and collection of vacant land tax and underground drainage charge as condition precedent for grant of permission/building permit is illegal, unconstitutional and ultra vires the provisions of the Tirunelveli City Municipal Corporation Act and consequently, direct the first respondent to process the application and to grant planning permission/building permit without insisting upon the payment of vacant land tax and underground drainage charge.

PRAYER in W.P.(MD)No.6981 of 2006: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Declaration declaring that the levy demand and collection of vacant land tax and underground drainage charge as condition precedent for grant of permission/building permit is illegal, unconstitutional and ultra vires the provisions of the Tirunelveli City Municipal Corporation Act and consequently, direct the respondents to process the application and to grant planning permission/building permit without insisting upon the payment of vacant land tax and underground drainage charge.

PRAYER in W.P.(MD)No.8752 of 2006: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a

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Writ of Mandamus, forbearing the respondent from collecting any vacant land tax and underground drainage charges from the petitioner as condition precedent for granting planning permission or building permit in respect of the petitioners' property to an extent of 28 cents in T.S.No.2463/1, 11 cents in western portion of T.S.No.2463/2, 12 cents in T.S.No.2463/3 and 11 cents in eastern portion T.S.No.2463/2, totaling to an extent of 62 cents in Block No.13, Ward No.9 at Kandiyaperi Village, Tirunelveli.

PRAYER in W.P.(MD)No.10367 of 2006: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Declaration declaring that the levy, demand and collection of vacant land tax and underground drainage charges as condition precedent for grant of permission/building permit is illegal, unconstitutional and ultra vires the provisions of the Tirunelveli City Municipal Corporation Act and directing the respondents to process the application and to grant planning permission/building permit without insisting upon the payment of vacant land tax and underground drainage charges.

For Petitioners : No Appearance
W.P.(MD)Nos.4948/2005,
6981/2006 & 10367/2006:-

For Respondent No.1 : Mr.S.P.Maharajan

For Respondents 2&3 : Mr.D.Sasikumar
 Government Advocate

W.P.(MD)No.8752/2006:-

For Respondent : Mr.S.P.Maharajan

COMMON ORDER

In all the Writ Petitions, originally one Mr.M.Vallinayagam, learned counsel appeared for the petitioners and later, he has withdrawn his vakalat. Therefore, names of the parties were printed in the cause-list. Despite the same, today they have not appeared. In such view of the matter, I am inclined to dispose of all the Writ Petitions on going through the materials available on record.

2. In these Writ Petitions, challenge is to the award of the Municipality to levy vacant land tax under the Coimbatore City Municipal Corporation Act. In a batch of Writ Petitions, this Court, by order dated 16.11.2010 in W.P.(MD)Nos.1966, 6496/2005, etc., batch, has upheld the provision and has also held that the Municipal Corporation has got power to impose such vacant land tax. If the petitioners have got any grievance regarding the mode of calculation of the tax, etc, the remedy lies elsewhere.

3. In view of the above, the Writ Petitions are not maintainable and so, they are liable to be dismissed.

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4. In the result, the Writ Petitions stand dismissed, however, with liberty to the petitioners to work out their remedies in the manner known to law. Consequently, the connected miscellaneous petitions are also dismissed. No costs.

(True Copy/

Sd/-
Deputy Registrar(W)
S. Palani-Chandrasekaran
30/12/10
Assistant Registrar (SMA)

To

1. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
2. The Secretary to Government,
Municipal Administration Department,
Fort St. George Chennai.
3. The Director of Municipal Administration,
Chennai.

+one cc to Special Government Pleader, Sr.No. 47197

Common Order made in
W.P. (MD) Nos. 4949/2005, 6381/2006,
8752/2006 and 10367/2006
Dated:- 19.11.2010

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SMA/27.12.2010/5C/4P

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