

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 1682 of 2008

ORDER: (Per the Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition has been filed questioning the attachment notice issued by the respondent-Municipality directing to pay a sum of Rs.51,176/-.

It has been brought to the notice of this Court that on an earlier occasion the petitioners have filed W.P. 5328 of 2006 seeking to issue a writ of Mandamus declaring the attachment notice dated 24.2.2006 as illegal and ultra vires to the provisions of Article 14 of the Constitution of India. However, the learned standing counsel appearing for the respondent-Corporation made a submission before the Court that since they have withdrawn the impugned notice the cause of action in the writ petition became infructuous. Therefore, this Court dismissed the said writ petition vide order dated 20.3.2006. Learned counsel for the petitioner submitted that without finalizing the assessment order, again a fresh attachment notice has been issued. Learned counsel for the petitioner further submitted that the petitioner has made his objections to the said attachment notice, which are not taken into consideration for passing the final assessment orders.

Having heard the learned counsel for the petitioner and the learned standing counsel for the respondent-Municipality and perusing the material available on record, we are of the opinion that the petitioner may be given liberty to make his

submissions/objections to the attachment notice within three weeks from the date of receipt of a copy of this order and on such submissions/objections being made, the respondent shall pass appropriate orders in accordance with law on or before 30th April, 2008. Till such time, no coercive steps shall be taken in the matter by the respondent.

The writ petition is accordingly disposed of with the above directions.

T.MEENA KUMARI, J.

G.ROHINI, J.

January 31, 2008

MVB.