

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16631 of 2015

K.Ambika

... Petitioner

-vs-

1. The Commissioner  
Corporation of Coimbatore  
Town Hall  
Manikoondur  
Coimbatore 641 001
2. The Assistant Commissioner  
Corporation of Coimbatore  
Palakad Main Road  
Edaiyarpalayam Pirivu  
Kuniamuthur Post Office  
Coimbatore 641 008
3. Sub Inspector of Survey  
South Zone  
Municipal Corporation Office  
Coimbatore 641 001

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first and second respondents to take immediate steps on the representations/applications of the petitioner in Form Nos.49349 and 000065 dated 27.4.2012 and 11.5.2012 respectively for name transfer, tax assessment and land survey and effect the same at the earliest within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Silambanan  
Senior Counsel for  
M/s Profexs Associates

For Respondents : Mr.R.Sivakumar

## ORDER

This writ petition has been filed by Mrs.K.Ambika, D/o C.M.Krishnan Achari seeking a mandamus directing the Commissioner, Corporation of Coimbatore and the Assistant Commissioner, Corporation of Coimbatore, the first and second respondents herein to take immediate steps on the application/representation of the petitioner in Form Nos.49349 and 000065 dated 27.4.2012 and 11.5.2012 respectively for name transfer, tax assessment and land survey and effect the same within a reasonable time.

2. Mr.S.Silambanan, learned senior counsel for the petitioner submitted that the petitioner, being the legal heir of late Mr.C.M.Krishnan Achari, after his death on 23.9.87, leaving behind his legal heirs, namely, his wife and 12 children including the petitioner, after the death of her mother Mrs.C.K.Chinnammal on 30.4.95, obtained a legal heir certificate from the Tahsildar, Coimbatore (South) on 18.2.93, showing the names of 12 children to be the heirs of late Mr.C.M.Krishnan Achari, made an application in the requisite format viz., Form No.49349 dated 27.4.2012 for name transfer and tax assessment, which was acknowledged in receipt No.20120427061 on the same day. The petitioner also made an application for survey of the lands in Old S.No.1151, New S.No.3/545/1-48 cents, Old S.No.3/1103 New S.No.3/545/2-0.23 cents, Old S.No.3/1152, New S.No.3/545/1-0.04 cents, totalling 75 cents situated at No.10, Komarapalayam, Ward No.85, Ayyappa Nagar in the requisite format viz., Form No.000065 dated 11.5.2012, which was also acknowledged in receipt No.201205111550 on the same day. The second respondent also, by letter dated 18.5.2012 in Na.Ka.No.3687/2012/B2, wanted them to produce the survey sketch for the lands. Immediately the same was also handed over on 28.5.2012. However, in spite of the lapse of three years, nothing has transpired, therefore, the petitioner has come to this Court seeking a limited direction to the respondents 1 & 2 to take immediate steps on their representation for name transfer, tax assessment and survey of the aforesaid lands.

3. Mr.R.Sivakumar, learned counsel appearing for the respondents, expressing the difficulties faced by the respondents to accept the prayer, submitted that when the petitioner claims to be one of the 12 children of late Mr.C.M.Krishnan Achari, there is no joint application made, as the reading of the applications in Form Nos.49349 and 000065 dated 27.4.2012 and 11.5.2012 respectively show that only Mrs.K.Ambika alone has made the applications. Therefore, if a joint application is made for name transfer, tax assessment and also for survey of the lands, the respondents will consider the same.

Otherwise, in the event of entertaining individual application, when the joint patta issued is also placed on record, the other pattadars may raise various objections, which will complicate the issue on either side.

4. It is at this point of time Mr.S.Silambanan, learned senior counsel for the petitioner submitted that on receipt of the order, instead of making individual application, a joint application mentioning all the legal heirs of late Mr.C.M.Krishnan Achari will be made before the respondents and on receipt of the joint application, the respondents may be directed to consider the prayer.

5. A perusal of the communication dated 28.8.2008 issued by the Zonal Deputy Tahsildar, Coimbatore to the Village Administrative Officer, Komarapalayam and the joint patta No.323 dated 8.9.2008 issued by the Head Quarters Deputy Tahsildar, Coimbatore (South) would show that the petitioner and 12 other persons are shown as the legal heirs of the deceased Mr.C.M.Krishnan Achari, who was owning the properties in Old S.No.1151, New S.No.3/545/1-48 cents, Old S.No.3/1103 New S.No.3/545/2-0.23 cents, Old S.No.3/1152, New S.No.3/545/1-0.04 cents, totalling 75 cents situated at No.10, Komarapalayam, Ward No.85, Ayyappa Nagar. Therefore, after his demise, the legal heirs are seeking for a reasonable request as mentioned above. In the light of the same, the writ petition is disposed of with a direction to the respondents to consider the application for name transfer, property tax assessment and also for survey of the aforesaid lands and pass appropriate orders/take immediate steps within a period of six weeks from the date of receipt of the joint application from the legal heirs of late Mr.C.M.Krishnan Achari. Consequently, M.P.No.1 of 2015 is closed. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Commissioner  
Corporation of Coimbatore  
Town Hall  
Manikoond  
Coimbatore 641 001

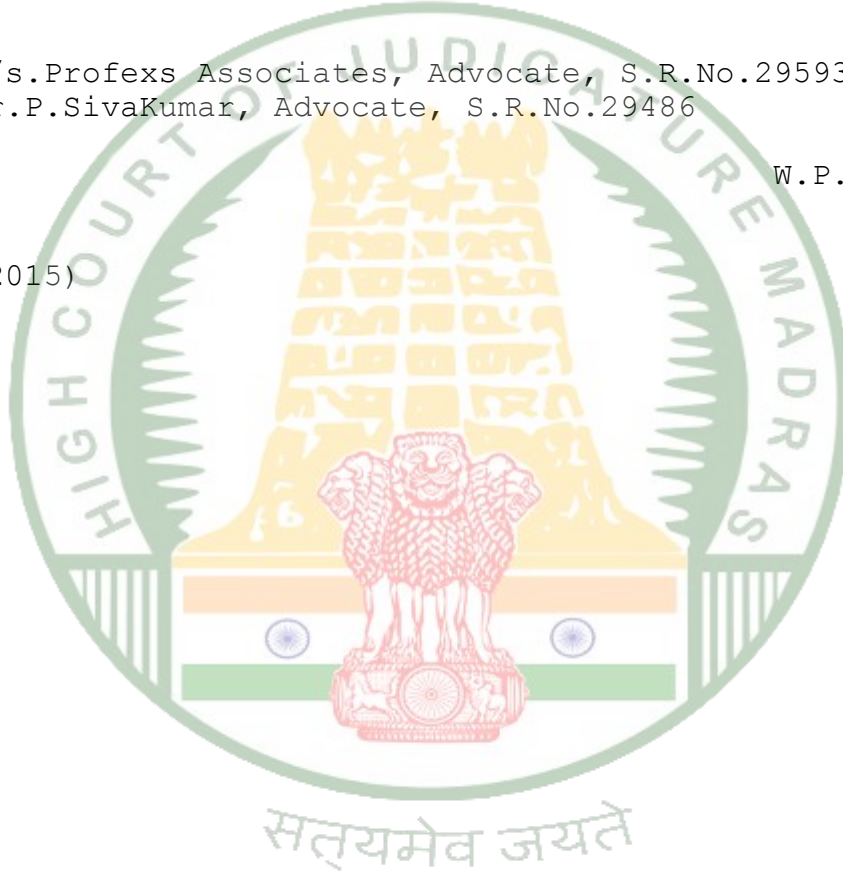
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2. The Assistant Commissioner  
Corporation of Coimbatore  
Palakad Main Road  
Edaiyarpalayam Pirivu  
Kuniamuthur Post Office  
Coimbatore 641 008
3. Sub Inspector of Survey  
South Zone  
Municipal Corporation Office  
Coimbatore 641 001

+1cc to M/s.Profexs Associates, Advocate, S.R.No.29593  
+1cc to Mr.P.SivaKumar, Advocate, S.R.No.29486

W.P.No.16631 of 2015

KGK(CO)  
CA(06/07/2015)



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