

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2015

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17478 of 2015

K.Subramani

[Petitioner]

Vs

1 The Commissioner
Salem Corporation Salem District.

2 The Assistant Commissioner
Suramangalam Zonal Office-I (Corporation)
Salem District.

3 Mrs.K.Revathi [Respondents]

PRAYER : The Writ petition is filed under Article 226 of the Constitution of India praying for a Writ of mandamus directing the second respondent to issue the property tax No.257 in the name of the petitioner for the house at No.3/12, Jahir Kamanayakkanpatti 1st Division Burn & Co Post Salem District by considering the petitioner representation dated 06.06.2015.

For Petitioner :Mr.A.Esakkiappan

For Respondents: Ms.K.Bhuvaneswari (R1&2)

O R D E R

Heard Mr.A.Esakkiappan, learned counsel for the petitioner and Ms.K.Bhuvaneswari, learned counsel, who took notice for the 1st and 2nd respondents and with their consent, the main writ petition is taken up for final disposal.

2. This writ petition has been filed by K.Subramani under Article 226 of the Constitution of India, seeking a writ of mandamus directing the Assistant Commissioner, Suramangalam Zonal Office-I (Corporation), Salem District, 2nd respondent herein, to issue the property tax No.257 in his name for the house at No.3/12, Jahir Kamanayakkanpatti, 1st Division, Burn & Co Post, Salem District by considering his representation dated 06.06.2015.

3. The learned counsel for the petitioner would submit that by virtue of a sale deed registered on 22.03.1979, bearing document No.1075 of 1979, the petitioner's father Kuppan (late) purchased the house property at No.3/12, Jahir Kamanayakkanpatti, 1st Division, Burn & Co Post, Salem District from one Unnamalaiammal and her son

Govindaraj. Adding further, learned counsel would submit that property tax was paid for the above said property by the petitioner's father till 07.09.2004. He further submitted that for the subsequent years 2004-2005, 2005-2006, property tax paid was accepted by the 2nd respondent. However, all of a sudden, in 2007, the property tax No.257 has been changed in the name of the 3rd respondent, without there being any notice whatsoever to the petitioner or his family members. The earlier representations sent by the petitioner's father went in vein. Subsequently, the petitioner's father died on 21.03.2015. Thereafter, the petitioner has given a representation to the respondents 1 and 2 to consider the same and pass appropriate orders, so that, the petitioner would be in a position to pay the property tax to property tax No.257 for the property bearing No.3/12, Jahir Kamanayakkanpatti, 1st Division, Burn & Co Post, Salem District. According to the learned counsel for the petitioner, the petitioner also produced legal heir certificate showing that the petitioner is the son of the deceased Kuppan, who died on 21.03.2015. But, till date, the respondents 1 and 2 have not shown any interest in considering and passing orders on the said representation. Therefore, the petitioner is before this Court.

4. Ms.K.Bhuvaneswari, learned counsel appearing for respondents 1 and 2 submitted that considerable time may be granted to the 2nd respondent for disposing of the petitioner's representation on merits.

5. In view of the submission made by the learned counsel for the respondents 1 and 2, the 2nd respondent, with whom the representation with regard to this issue is pending for quite a long time, is hereby directed to consider the petitioner's representation dated 06.06.2015 and pass appropriate orders in the light of the documents showing payment of property tax No.257 for the property at No.3/12, Jahir Kamanayakkanpatti, 1st Division, Burn & Co Post, Salem District, for the earlier years and the sale deed dated 22.03.1979. It is made clear that the 2nd respondent is directed to pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, after issuing notice to the respondent.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Commissioner
Salem Corporation Salem District.

2 The Assistant Commissioner
Suramangalam Zonal Office-I (Corporation)
Salem District.

+1 cc to Mr.A.Esakkiyappan, Advocate,SR.30035

+1 cc to Mrs.K.Bhuvaneswari, Advocate,SR.30140.

Scd(co)
krd 13/7

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