BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2015
Coram
THE HONOURABLE MR.JUSTICE R.SUBBIAH
W.P.(MD).No.14481 of 2015

T.Periasamy :Petitioner

vs.

1.The Joint Director of Panchayat,
Madurai District, Madurai.

2.The Block Development Officer,
Melur Town Panchayat,
Melur, Madurai District.

3.The President,
Therku Theru Panchayat,
Melur, Madurai District. : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 3rd respondent herein to issue House tax receipts in respect of the property bearing New Door No. 1/63 Old Door No. 1/30, 1/47 New Survey.No. 787/5, 787/6 and old survey No. 221 /1 part V.O.C. Street, Therku Theru Village Panchayat, Therku Theru Post Melur, Madurai to the petitioner only.

For Petitioner :Mr.A.R.Kannappan
For Mr.A.Gopal
For Respondents :Mr.G.Muthukannan
Govt.Advocate

O R D E R

The Writ Petition has been filed, praying for issuance of a Writ of Mandamus, directing the 3rd respondent herein to issue House tax receipts, in respect of the property bearing New Door No. 1/63 Old Door No. 1/30, 1/47 New Survey.No. 787/5, 787/6 and old survey No. 221 /1 part V.O.C. Street, Therku Theru Village Panchayat, Therku Theru Post Melur, Madurai, to the petitioner only.

2. The case of the petitioner is that his father died on 18.11.1985. Even before death of the petitioner's father, the family properties have been partitioned on 06.03.1979, through a registered document, between the petitioner and his elder brother T.Malaichamy and his sister Rajalakshmi and first wife of his father viz., Yellammal and her daughter viz., T.Savitri. Through the above said partition, the property in question, has been

divided in two equal parts between the petitioner and his brother T.Malaichamy and they are paying their respective house tax to the Panchayat. The 3rd respondent issued the House Tax receipt in favour of one Savitri, who is the daughter of the 1st wife of petitioner's father. In fact, a separate share in the property was given to the 3rd respondent by the petitioner's father. Hence the issuance of the House tax receipt in the name of said Savitri is not correct. Hence, the petitioner made a detailed representation to the 3rd respondent, on 27.7.2015, requesting him to issue house tax receipts in respect of the property in question, in his name.. Since the said representation was not considered, the present writ petition has been filed, for the relief stated supra.

3. Heard both sides.

4. Considering the submissions made by the learned counsel for th petitioner, this Court, without going into merits of the averments made in the affidavit as well as in the representation submitted before the 3rd respondent, directs the 3rd respondent to consider the representation of the petitioner, dated 27.07.2015, and pass appropriate orders, on merits and in accordance with law, after giving notice to the rival parties, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

MPK
To

1.The Joint Director of Panchayat,
Madurai District, Madurai.

2.The Block Development Officer,
Melur Town Panchayat,
Melur, Madurai District.

3.The President,
Therku Theru Panchayat,
Melur, Madurai District.

+1cc to MR.A.GOPAL,Advocate Sr.No 46029

W.P.(MD).No.14481 of 2015
13.08.2015

JAM/SKS-RR/SAR-PA/3.9.15/2P-5C