BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.16139 of 2015

Sankardurai ... Petitioner

Vs.

The Commissioner,
Tirunelveli Municipality,
Tirunelveli-1. ... Respondent

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to collect tax from the petitioner in respect of property in Door No.31A, Narayanasamy Kovil Vadakku Theru, Tirunelveli in the light of the petitioner's representation, dated 29.05.2015.

For petitioner : Mr.R.Pon Karthikeyan
For Respondent : Mr.Aayiram K.Selvakumar, Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondent to collect tax from the petitioner in respect of the property situated in Door No.31A, Narayanasamy Kovil Vadakku Theru, Tirunelveli in the light of the petitioner's representation, dated 29.05.2015.

2. Mr.Aayiram K.Selvakumar, learned Government Advocate takes notice for the respondent.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. The case of the petitioner is that the property in T.S.Ward No.8, Block No.13, Town Survey No.1985/8, Door Nos.31 and 31A, Narayanasamy Kovil Vadakku Theru, Tirunelveli, originally belonged to the father of the petitioner namely Palani @ Palanivel. The revenue records pertains to the said property stands in his name and property tax was also assessed in his name by the respondent vide Tax Assessment No.117118 and 118919. The father of the petitioner expired on 22.09.2012 leaving behind the mother of the petitioner, petitioner and his brother as his legal heirs.

Thereafter, they have been paying the tax in respect of the above said property. While the matter stood thus, the petitioner came to know that the respondent has started to receive tax in respect of the property in Door No.31A from another person namely Ramaiah. Hence, the petitioner made a representation before the respondent on 29.05.2015 requesting to receive tax from the petitioner in respect of Door No.31A. The said representation was not considered so far. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5. In view of the submissions made on either side, without going into the merits of the case, this Court directs the respondent to consider the representation of the petitioner, dated 29.05.2015, on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the respondent to consider the same purely on merits.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Tirunelveli Municipality,
Tirunelveli-1.

+ 1 CC TO MR.AAYIRAM.K.SELVAKUMAR, ADVOCATE IN SR NO. 52609
+ 1 CC TO MR.R.PONKARTHIKEYAN, ADVOCATE IN SR NO. 52161

PM
TE/JGB-DP/ 21/09/2015 2P/4C

W.P(MD).No.16139 of 2015
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