



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.18313 of 2015

V.Krishnammal

...Petitioner

Vs.

The Panchayat President,
Nagampatty Panchayat,
Ottapidaram Taluk,
Thoothukudi District.

...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 receive house property tax from the petitioner, pursuant to the representation, dated 24.07.2015.

For Petitioner : Mr.V.Karnan
For Respondent : Mr.D.Muruganantham,
Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondent to receive house property tax from the petitioner, pursuant to the representation, dated 24.07.2015.

2.Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the respondent.

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

4. In the affidavit it has been averred that the petitioner had purchased a property measuring to an extent of 1310 sq. ft. comprised in Survey No.102/3(Plot No.4) situated at Nagampatti Village, Ottapidaram Taluk, Thoothukudi District, from one Mariappan vide document No.807/2008, dated 05.06.2008. From the date of purchase, the petitioner is in possession and enjoyment of the same. The son of the petitioner by name Velkumar had purchased a property in Survey No.99/1(plot No.5) in the above said village, vide document No.616/2007, dated 04.06.2007. Thereafter, the son of the petitioner, had settled his property in favour of the petitioner, vide document No.731 of 2009, dated 01.06.2009. From the said date, the petitioner is in possession of the above said property. After the date of purchase and settlement of the above mentioned property, the petitioner effected changes in the revenue records. Thereafter, the petitioner approached the respondent seeking permission to construct a house in the above mentioned properties and after getting permission, he constructed a house. But, after construction, the respondent refused to receive house tax from the



petitioner. In this regard, the petitioner has made several representation to the respondent including the representation on 24.07.2015. But none of the representation was considered by the respondent. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is constrained to pass the following order:

Without going into the merits of the averments made in the Writ Petition, the respondent is directed to consider the representation of the petitioner, dated 24.07.2015 and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to the petitioner, 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, the Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Panchayat President,
Nagampatty Panchayat,
Ottapidaram Taluk,
Thoothukudi District.

+1cc to Mr.V.Karnan, Advocate SR.No.60357

W.P (MD) .No.18313 of 2015
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pm
NS/AAL-MPA/26.10.2015 : 2P/3C