IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.6480 of 2014
and M.P.No.1 of 2014

1.K.Panneer Selvam
2.K.Dhanasekaran ... Petitioners

Vs

1.The District Collector,
Salem District, Salem.

2.The Assistant Director,
Town Panchayat,
Salem Region, Salem District.

3.The Executive Officer,
Edankanasalai Town Panchayat,
Sangaragiri, Salem District.

4.P.Murugan ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd Respondent in his Proceedings in Na.Ka.No.645/2013 dated 04.11.2013 issued to the 1st petitioner Na.Ka.No.644/2013 dated 04.11.2013 issued to the 2nd petitioner and quash the same as illegal and consequently to direct the 3rd respondent to mutate the name of the Petitioners in the Property Tax Assessment No.10976 & No.10975 for the petitioner's properties in Door No.14/170, 14/170A, Edankanasalai Village, Sankagiri Taluk, Salem District within a period that may be stipulated by this Hon'ble Court.

For Petitioners : Mr.S.Nambi Arooran

For R1 & R2 : Mr.M.L.Mahendran,
Government Advocate

For R3 : Mr.S.V.Duraisolaimalai

O R D E R

This writ petition has been filed praying for issuance of Certiorarified Mandamus to quash the order passed by the 3rd respondent, who is the Executive Officer of a Town Panchayat dated 04.11.2013 and for a consequential direction to direct the 3rd respondent, to effect change of Property Tax Assessment in respect of the property in question in the name of the petitioners.

2. The only reason assigned in the impugned order is that, in respect of the property in question, suit is pending before the District Munsif, Sangagiri in case No.184 of 2013. On receipt of the impugned order, the 1st petitioner has submitted a representation to the authorities stating that there is no case pending in respect of the property in question and 184 of 2013 is not a case number, it is only the number assigned to the caveat petition filed by the petitioners against Murugan @ Murugamani and that the caveat petition is valid only for a period of 90 days. However, the 3rd respondent without even calling upon the petitioners to produce necessary documents and satisfying himself with the factual situation has left the matter unattended. This necessitated the petitioners to approach this Court.

3. In the light of the fact, that the 1st petitioner would state that it is only a caveat petition and a copy of the same has also been filed in the typed set of papers, the writ petition is allowed and the impugned order is set aside and the matter is sent back to the 3rd respondent, who shall verify the factual position and satisfy himself that 184 of 2013 is only a caveat petition and thereafter, proceed in accordance with law for effecting necessary change in the Property Tax Assessment, after notice to the petitioners and the 4th respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gya

To

1.The District Collector,
Salem District, Salem.

2.The Assistant Director,
Town Panchayat,
Salem Region, Salem District.

3.The Executive Officer,
Edankanasalai Town Panchayat,
Sangaragiri, Salem District.

+1cc to Mr.Ajmal Associates, Advocate, S.R.No.8625
+1cc to the Government Pleader, S.R.No.8847

W.P.No.6480 of 2014

SK(CO)
CA(22/02/2016)