

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.9023 of 2013

1.A.Subbaian
2.A.Natarajan
3.A.Pushparaj
4.A.Krishnasamy

...Petitioners

Vs.

1. The District Collector
Coimbatore District
Coimbatore

2.The Executive Officer
Sirumugai Town Panchayat
Sirumugai, Mettupalayam Taluk
Coimbatore District

3.S.Ponnusamy

4.Sundarambal
W/o. Karia Gowder

5.V.Jeevanandam
6.V.Rangaraj

7.Sundarambal
W/o. Kembaiah Gowder

8.J.Ramanathan
9.J.Ravi
10.J.Mahesh
11.G.Krishna Kumar

12. Rangamal
W/o. Najaian

Respondents 3 to 12 are impleaded
as per the order of this Court
dated 15.03.2016 made in
M.P.1/13 in W.P.9023/13)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondents particularly the 2nd respondent desist from issuing any property tax House tax and Water Tax to and in favour of V.Rangarajan and V.Jeevanantham for the property situated at Sirumugai Village Mettupalayam Taluk Coimbatore District comprised in Punja S.Nos.308/2 9 11 15 16 22 25 27 28 and 29(as per Natham Land Tax scheme comprised in S.No.308/2A 308/2 to 308/26) to an extent of 2.151/2 acres on the basis of petitioner's representation dated 11.5.2012 to the 2nd respondent and subsequently on 10.12.2012 to the 1st respondent.

For Petitioners : Mr.G.Karthikeyan

For Respondents : Mr.R.Rajeswaran, Spl.G.P

O R D E R

In the light of the order this Court proposes to pass in this writ petition, notice to the private respondents is dispensed with.

2. The petitioners would state that the respondent Town Panchayat should not assess the subject property to tax in the names of the respondents 3 to 12 based on a decree obtained by them in O.S.No.544/1995 dated 05.03.1999 on the file of District Munsif Court, Mettupalayam. It appears that the property has been assessed in the names of private respondents and it is not known as to what basis it has been assessed in their names. In any event, the petitioners have given an objection, it would be appropriate for the 2nd respondent to consider the same in accordance with law.

3. Considering the fact that the representation is of the year 2012 and the writ petition is pending from 2013 without any orders, the proper course to be adopted by the petitioners is to give a fresh representation to the 2nd respondent along with a copy of this order and if the same is done the 2nd respondent shall consider the same after notice to the petitioners and the respondents 3 to 12 and after hearing the parties in person pass a reasoned order on merits and in accordance with law within a period of four months from the date of representation from the petitioner.

4. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

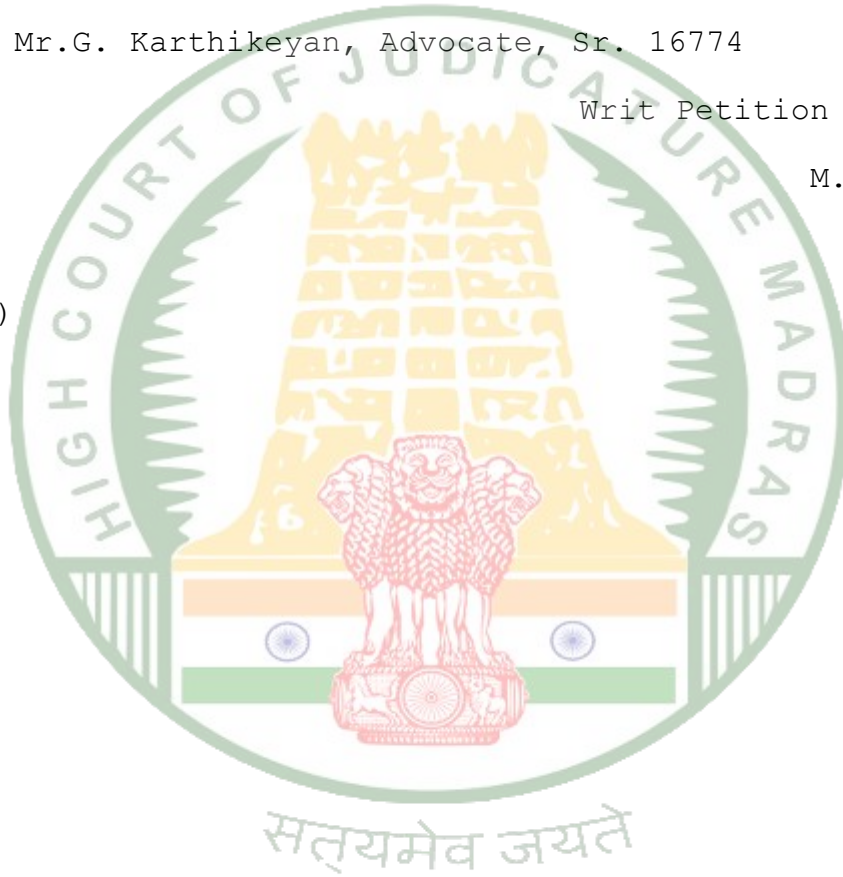
1. The District Collector
Coimbatore District
Coimbatore

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Sirumugai, Mettupalayam Taluk
Coimbatore District

1 cc to Mr.G. Karthikeyan, Advocate, Sr. 16774

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&
M.P.No.1 of 2013

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