



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.08.2016

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THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P(MD)No.14263 of 2016

Rosebai

.. Petitioner

Vs

The Executive Officer,
Pacode Town Panchayat,
Pacode, Kanyakumari District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to assess the house tax for the Door No.20/20, having old No.21/11B1 situated in S.No.280/14A and 280/12A of Pacode Village, Vilavancode Taluk, Kanyakumari District in the name of the Petitioner by considering the representation of the Petitioner, dated 30.6.2015

For Petitioner : Mr.L.Jeen Felix
for M/s.S.C.Herold Singh
For Respondent : Mr.Aayiram K.Selvakumar
Govt.Advocate

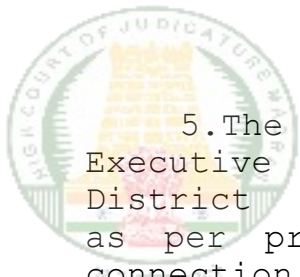
ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondent.

4.According to the Petitioner, she is the owner of the property comprised in S.No.280/14A and 280/12A of Pacode Village, Vilavancode Taluk, Kanyakumari District. The said property was settled by her husband in her name by way of Settlement Deed bearing Doc. No.2617 of 2011. Therefore she has become the owner of the property. Even at the time of settlement, there was a house in the said property, which was constructed during the year 1991 and in terms of the above said settlement, the Petitioner has been in possession and enjoyment of the house and property.



5.The stand of the Petitioner is that the Respondent/The Executive Officer, Pacode Town panchayat, Pacode, Kanyakumari District has granted approval to her husband in the said property as per proceedings bearing No.556 of 1991. Also, electricity connection is available in the said property. As a matter of fact, the construction was completed and house-tax was assessed and tax was paid to the said property till 2016.

6.In fact, the Petitioner went to the office of the Respondent for paying house tax in respect of the year 2015-2016 and she was informed that there was no house available in the said property and the house was demolished. It is further submitted that there is no occasion that has arisen for demolishing the house, inasmuch as she and her husband are residing in the property in question. Although she was informed that the said house was demolished in the year 2013, a request was made to the the Tahsildar concerned to ascertain in regard to the availability of the house. It was informed that in S.No.280/14A, a house bearing No.21/20 is situated. Therefore, as on 10.7.2015, a house is available in the said property.

7.The grievance of the Petitioner is that she made repeated requests to the Respondent in person to change the assessment in her name, on several occasions, ever since from the date of settlement. Although the revenue records were changed in her name, the Respondent has not taken any effective steps to carry out the assessment in her name. Therefore, on 30.06.2015 she made a representation to the Respondent. The said representation has not met with any positive response from the Respondent, till date. Hence she has filed the present Writ Petition before this Court, for the relief stated supra.

8.Considering the fact that the Petitioner's representation, dated 30.6.2015 is pending on the file of the Respondent, without any progress or disposal as on date, at this stage, this Court, in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Respondent/The Executive Officer, Pacode Town Panchayat, Pacode, Kanyakumari District, to look into the representation of the Petitioner, dated 30.6.2015 within a period of one week from the date of receipt of a copy of this order and thereafter, to dispose of the same by passing a reasoned speaking order, on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Respondent and the Respondent in turn, shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 30.6..2015.The Petitioner is directed to lend his assistance and co-operation in this regard, to the Respondent, in disposing of his representation, dated 30.6.2015, within the time specified by this Court.



9. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

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/True Copy/

Sub Assistant Registrar

To

The Executive Officer,
Pacode Town Panchayat,
Pacode, Kanyakumari District.

+ 1 CC TO MR.S.C.HEROLD SINGH, ADVOCATE IN SR No. 43067

VSN

TE/DB/ : 18/08/2016 : 3P/3C

W.P (MD) No.14263 of 2016

08.08.2016