BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.11.2016**

CORAM:
THE HONOURABLE DR.JUSTICE **S.VIMALA**
W.P(MD)No.20959 of 2016

J.Fathima Joseph : Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 14.09.2016 and to take action to transfer the House Tax Assessment in the name of the petitioner.

For Petitioner : M/s.S.Jenifer Evangelin Veronica

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.
(Standing counsel for R2)

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 14.09.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that originally the tax assessment in respect of the petitioner's property stood in the name of the petitioner and her right has been declared, vide, Judgment dated 30.11.2012 made in O.S.No.124 of 2003, by the District Munsif Court, Kodiakanal. Without giving any notice to the petitioner, the second respondent has transferred the tax assessment in respect of the said property, in the name of one Therasa. The grievance of the petitioner is that while effecting such a transfer, no notice was served upon the petitioner.

Therefore, she sent a representation dated 21.03.2016 to the second respondent, requesting for re-transfer of tax assessment in her name. Since, there was no answer, she also sent a representation dated 14.09.2016 to the first respondent. But, there was no response. Therefore, this writ petition has been filed.

4.The learned Additional Government Pleader would point that the said Therasa has not been impleaded as a party in this writ petition and therefore the relief sought for in the writ petition is misconceived.

5.No doubt, the said Therasa, in whose name, the tax assessment was transferred, is not added as a party in this writ petition. But the fact remains that while effecting name transfer from the name of the petitioner to the said Therasa, the second respondent has not issued any notice to the petitioner. However, the interest of the said Therasa can be better protected by directing the second respondent to consider the representation of the petitioner and at that point of time, the second respondent shall issue notice to the said Therasa. In that way, the right of the proposed party can also be protected. As no decision is taken on merits and it is only a mere direction to consider the representation, impleadment of the said Therasa, at this point of time, is not necessary.

6.In view of the same, the second respondent is directed to consider the representation of the petitioner dated 21.03.2016 and pass orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order. It is made clear that notice to the said Therasa is mandatory at the time of consideration of the representation of the petitioner.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To
1.The District Collector, Dindigul District, Dindigul.

2.The Commissioner, Kodaikanal Municipality, Kodaikanal.

+1 CC to Mr.T.S.MOHAMED MOHIDHEEN, Advocate, SR No.65619

ORDER MADE IN
W.P(MD)No.20959 of 2016

smn
SH/SKS-RR:08.12.2016:2P/4C