BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.7852 of 2014

P.Chellaiya ... Petitioner

Vs.

1. The District Collector,
   Madurai District,
   Madurai.

2. The Assistant Director,
   (Village Panchayat),
   Madurai.

3. The Block Development Officer,
   Panchayat Union Office,
   Thirupparankundram,
   Madurai - 625 005.

4. The President,
   Viraganoor Panchayat,
   Viraganoor,
   Madurai - 625 009. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the fourth respondent to accept the House Tax payment from the petitioner and issue the House Tax receipt for the assessment year 2013-2014 for the petitioner's house situated in Door No.5/22 comprised in S.No.53 at Viraganoor Village, Madurai District, in view of the Assessment No.22 vide notice issued by the fourth respondent, dated 03.10.2013.

For Petitioner : Mr.P.Saravanakumar
For Respondents : Mr.S.Kumar,
Additional Government Pleader

ORDER

Aggrieved by the denial of the fourth respondent to accept the house tax payment made by the petitioner for the assessment year 2013-2014 in respect of the petitioner's house situated in Door No.5/22 comprised in S.No.53 at Viraganoor Village, Madurai

District, the present writ petition has been filed.

2. According to the petitioner, he is in possession of the aforesaid property and one K.Alagar and K.Bose interfered with the peaceful possession of the petitioner, he filed a suit in O.S.No.17 of 1996 before the District Munsif Court, Madurai Taluk and the said suit came to be decreed exparte on 26.06.1998. It is also stated that in respect of the properties in S.Nos.64/10, 64/18 and 82/4 situated in Viraganoor Village, a suit in O.S.No.62 of 2011 was filed by one Ganesan, who is closely related to the fourth respondent - Panchayat President. The fourth respondent received the house tax from the petitioner upto 2011-2012, however, he refused to receive the same for the assessment year 2012-2013. Thus, he submitted a representation dated 30.10.2012 to the first respondent, followed by another representation dated 27.05.2013. However, a reply has been given by the third respondent stating that one Bose objected to receive the house tax from the petitioner. It is further claimed by the petitioner that the said Bose could not raise any objection for receiving the house tax payment made by the petitioner, because the civil suit filed by the petitioner in O.S.No.17 of 1996 reached finality as no appeal was preferred against the decree made in favour of the petitioner. In the meanwhile, the fourth respondent issued a demand notice dated 03.10.2013, but, the fourth respondent refused to receive the house tax payment made by the petitioner. Hence, he has come forward with the present writ petition.

3. The learned Counsel for the petitioner would submit that the petitioner has already submitted representations dated 11.02.2014 and 13.02.2014 to the authorities concerned requesting them to receive the house tax payment to be made by the petitioner and hence, the same may be directed to be considered by them in accordance with law.

4. Heard the learned Counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

5. It is also pointed out by the learned Counsel for the petitioner that the civil suit filed by the petitioner against the private parties ended in favour of the petitioner. Under such circumstances, there may not be any impediment for the authority concerned to consider the representations of the petitioner dated 11.02.2014 and 13.02.2014 and pass appropriate orders on merits and in accordance with law.

6. Considering the limited scope of the relief sought for by the petitioner, this Court, without going into the merits of the contentions raised by the petitioner, directs the third respondent to consider the representations of the petitioner dated 11.02.2014 and 13.02.2014 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as interested parties, if any, within a

period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
   Madurai District,
   Madurai.

2. The Assistant Director,
   (Village Panchayat),
   Madurai.

3. The Block Development Officer,
   Panchayat Union Office,
   Thirupparankundram,
   Madurai - 625 005.

+ 1 CC TO Mr.P.SARAVANA KUMAR, ADVOCATE IN SR No. 67400

RSB
TE/MR-KKR/SAR-I : 01/08/2017 : 3P/5C

W.P(MD)No.7852 of 2014
24.07.2017