



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P (MD) No.13718 of 2017

R.Selvaraj

.. Petitioner

Vs.

The Commissioner,
Thanjavur Corporation,
Thanjavur.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 16.07.2016 to assess property tax to the property at Ward No.3, Block No.36, T.S.No.2318, Thanjavur Town, Thanjavur.

For Petitioner : Mr.AN.Ramanathan
For Respondent : Mr.N.Dilipkumar

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondent to assess property tax to the property situated in Ward No.3, Block No.36, T.S.No.2318, Thanjavur Town, Thanjavur, based on the petitioner's representation dated 16.07.2016, within the time stipulated by this Court.

2.The case of the petitioner is that the property in Ward No.3, Block No.36, T.S.No.2318, Thanjavur Town, Thanjavur, has been purchased by one Thulasiammal and four others, through Court auction, from whom, the mother of the petitioner purchased the same, by way of a registered sale deed, dated 28.01.1963 and property tax was also assessed in her name and she was paying tax regularly. According to the petitioner, the respondent approached his mother and requested to give consent for acquisition of the said property for extension of Kamaraj Market and assured that a compensation of Rs.20,737/- would be paid. Subsequently, no compensation proceeding was initiated nor award was given to his mother and a civil suit has been filed for the relief of recovery of possession against the respondent and the same is ended in her favour and now the legal heirs of Andalammal, including the petitioner, are in possession and enjoyment of the same. The general principle of the law is that since the respondent has not taken any steps to assess property tax in respect of the said



property, in the names of legal heirs of Andalammal, the petitioner sent a detailed representation dated 16.07.2016 and the same has not been considered so far. Therefore, the petitioner is before this Court.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the respondent fairly submits that the representation of the petitioner dated 16.07.2016 is under consideration and the respondent will pass necessary orders after hearing the petitioner.

4. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the respondent to consider the representation of the petitioner dated 16.07.2016, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

5. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To
The Commissioner,
Thanjavur Corporation,
Thanjavur.

+1 CC to M/s.A.N.RAMANATHAN, Advocate, SR No. 72790/17.

+1 CC to M/s.N.DILIP KUMAR, Advocate, SR No. 72537/17.

SMN

PSM/KK/SAR1/29.08.2017/2P/4C

**ORDER MADE IN
W.P(MD) No.13718 of 2017
16.08.2017**