



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2017

CORAM

THE HON'BLE MR.JUSTICE **K.KALYANASUNDARAM**W.P.(MD)No.2157 of 2017

WEB COPY

M.Syedali

: Petitioner

-vs-

1. The District Collector/Inspector of Panchayat,
Office of the District Collector,
Tirunelveli, Tirunelveli District.

2. The Special Officer,
Kadayam Panchayat and Union,
Tirunelveli District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to receive the tax amount from the petitioner and provide tax receipt relating to the property in old survey No.257 to 264(1), New Survey No.537/29 situate at South Kadayam, Tirunelveli District, by considering the petitioner's representation, dated 16.01.2017 within the time stipulated by this court.

For Petitioner

: Mr.I.Sabeeer Mohamed

For Respondents

: Mr.M.Alaguthevar

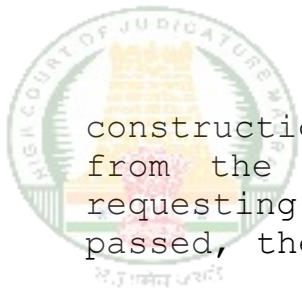
Special Government Pleader

ORDER

The petitioner has come forward with the present writ petition seeking issuance of a Writ of Mandamus, directing the 2nd respondent to receive the tax amount from her and provide tax receipt relating to old survey No.257 to 264(1), New Survey No.537/29 situated at South Kadayam, Tirunelveli District, by considering her representation, dated 16.01.2017.

2.According to the petitioner, she along with her sister jointly purchased the properties in old Survey No.257 to 264(1), New Survey No.537/29 at South Kadayam Village, Tirunelveli District, from one Rajathi wife of Late S.S.Krishnan, through a registered sale deed in Document No.544/2015.

3.The petitioner would further claim that after getting plan permission from the competent authority, they constructed a shopping complex and when the construction was going on, one Shanmugam along with some others, approached the petitioner in order to extract money and since, it was refused by the petitioner, a writ petition was filed in W.P.(MD)No.24913 of 2016 to take necessary action for removal of the unauthorized



constructions. Since the respondents refused to receive the tax from the petitioner, a representation was made on 16.01.2017 requesting them to receive the tax. Since no favourable order was passed, the present writ petition has been filed.

4.Mr.I.Sabeer Mohamed, learned counsel appearing for the petitioner would submit that there was no encroachment in the land in question and the shopping complex was constructed in new Survey No.537/29 and the construction was made according to the approval plan given by the competent authority and the petitioner has also enclosed the planning approval order and sketch in the typed set of papers. It is further submitted that there was an encroachment in new Survey No.537/28 to an extent of 5 square feet and now, it has been removed.

5.Mr.M.Alaguthevar, learned Special Government Pleader appearing for the respondents would submit that if the construction is made according to the approval plan, there would not be any objection from the 2nd respondent to receive the tax from the petitioner and the 2nd respondent is ready to consider the representation of the petitioner, dated 16.01.2017.

6.In view of the submission made on either side, this court, without going into the merits of the case, directs the 2nd respondent to consider the representation of the petitioner, dated 16.01.2017 and pass appropriate orders purely on merits and in accordance with law, after affording opportunity of hearing to the parties concerned, within a period of four weeks from the date of receipt of the order copy.

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

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector/Inspector of Panchayat,
Office of the District Collector,
Tirunelveli, Tirunelveli District.
 2. The Special Officer, Kadayam Panchayat and Union,
Tirunelveli District.
- +1cc to M/S.I.Sabeer Mohamed, Advocate SR.No. 58934

W.P.(MD)No.2157 of 2017
07.06.2017