



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.5650 of 2011
and W.M.P.(MD)No.4232 of 2016 and M.P(MD).No.1 of 2011

Tamilarasi

... Petitioner

Vs.

1. The Executive Officer,
Pallathur Special Grade Panchayat,
Pallathur
Sivagangai District,

2. Tmt.Valarmathi

... Respondents

Prayer: The Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ, Order or Direction or any other writ in the nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent dated 21.04.2011 and quash the same and consequently direct the first respondent to change the assessment in the name of the petitioner for S.No.65/31, Pallathur Village, Pallathur Group, Karaikudi(Taluk), Sivagangai District.

For Petitioner

: Mr.J.Anand kumar

For R-1

: Mr.M.Alagathevan

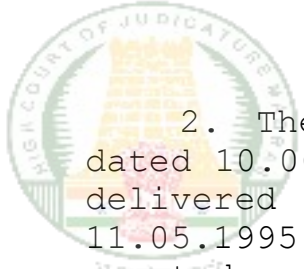
Special Government Pleader

For R-2

: Mr.S.Visvalingam

ORDER

This Writ Petition has been filed to call for the records pertaining to the order passed by the first respondent, dated 21.04.2011 and quash the same and consequently, direct the first respondent to change the assessment in the name of the petitioner for S.No.65/31, Pallathur Village, Pallathur Group, Karaikudi Taluk, Sivagangai District.



2. The petitioner claims title by way of settlement deed, dated 10.06.2008 whereby ½ share of the property in S.No.65/31 was delivered in her favour by one Porkodi by way of "Will" dated 11.05.1995. By proceedings, dated 06.10.2006, the Thasildar had granted patta in favour of the petitioner. When the petitioner had made an application on 20.12.2010, to the first respondent, seeking for transfer of assessment of property Tax in her favour, the same was rejected on the ground that "Will" was not a registered one and also on the ground that the petitioner had not enclosed the legal heirship certificate and that his settlement deed does not disclose the Door Number of the property. Stating these reasons the first respondent had advised the petitioner to approach the civil forum to get appropriate orders. Challenging the same, the petitioner has come before this Court.

3. I have heard the learned counsels appearing on either side.

4. At the out set, I am constrained to note the reasons adduced by the first respondent while directing the petitioner to approach the civil forum. It is very unfortunate that the first respondent has chosen to direct the petitioner to approach the Civil forum to prove the "Will" on the ground that the "Will" is unregistered in spite of the position that a "Will" does not require compulsory registration. Likewise, the other request could have always been dealt with by the first respondent since they could only be termed as 'technical errors', rather directing the petitioner to approach the Civil Court. There is no complicated question of law involved in transferring the assessment of property tax in the name of the petitioner and hence, the reasons adduced by the petitioner in the impugned order, dated 21.04.2011 are liable to be set aside.

5. In view of the same, the impugned order, dated 21.04.2011 is quashed. The issue is remanded to the first respondent for reconsideration afresh after affording due opportunity of hearing to the petitioner. Such exercise shall be completed in the light of my above observations, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above observation, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar



To

The Executive Officer,
Pallathur Special Grade Panchayat,
Pallathur, Sivagangai District.

+1 CC TO MR.S.VISVALINGAM, ADVOCATE, SR NO.4278

+1 CC TO MR.J.ANANDKUMAR, ADVOCATE, SR NO.4322

trp

MAS/MR/SAR2:17.04.2017:3P-4C

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and W.M.P. (MD) No.4232 of 2016 and M.P (MD) .No.1 of 2011
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