

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.16587 of 2018

T.M.Saravanan

... Petitioner

Versus

The Commissioner,
Tiruchengode Municipality,
Tiruchengode,
Namakkal District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Mandamus directing the respondent herein to effect mutation in the Property tax No.9433 in the name of the petitioner by considering the petitioner's representation dated 10.04.2017.

For Petitioner : Mr.A.Saravanan
For Respondent : Mr.P.Srinivas

ORDER

Heard Mr.A.Saravanan, learned counsel for the petitioner and Mr.P.Srinivas, the learned Standing counsel for the respondent and perused the materials available on record.

2. The petitioner has come up with this writ petition for issuance of writ of mandamus directing the respondents herein to effect mutation in the property Tax No.94533 in his name by considering his representation dated 10.04.2017.

3. The case of the petitioner is that the property measuring to an extent of 0.0048 hectares in Old S.No.90/2, New Town plan ward-D, Block-1, T.S.L.R.No.2/5, Patta No.7296, Tiruchengode Village, Tiruchengode Taluk, Namakkal District was owned by his grand father viz., Palanisamy. After his demise, the petitioner become the absolute owner of the property by virtue of a Gift Deed dated 13.08.2018 registered as Doc.No.6708/2013 in Sub-register office, Tiruchengode. Since then, he has been in possession and enjoyment of the same.

4. The grievance of the petitioner is that the property tax in respect of the building stood in the name of the petitioner's father and his representation to transfer the same, in his name was not considered. Hence this present writ petition was filed.

5. The learned Standing Counsel appearing for the respondent would submit that by a notice dated 05.05.2017, the petitioner was directed to produce the copy of the original documents to the respondents to consider the grievance of the petitioner. On 19.05.2017, the petitioner has submitted his reply and furnished the relevant documents, but so far no orders has been passed.

6. The learned counsel appearing for the petitioner would submit that it is suffice, if a direction is issued to the respondent to consider and pass orders on the representation of the petitioner dated 10.04.2017.

7. In the light of the above facts and circumstances and also submissions of the learned counsel on either side, this Court without going into the merits, directs the respondent to consider the representation of the petitioner dated 10.04.2017 and pass orders on merits and in accordance with law, after providing appropriate opportunity to the petitioner within a period of eight weeks from the date of receipt of copy of this order.

8. The writ petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sk
To
The Commissioner,
Tiruchengode Municipality,
Tiruchengode, Namakkal District.

+ 1 cc to Mr.A. Saravanan, Advocate SR.47529

W.P.No.16587 of 2018

NM(CO)
EU(31/07/2018)