



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.18512 of 2018

WEB COPY

P.Thennarasai

: Petitioner

Vs.

The Block Development Officer,
Block Development Office,
Ilayangudi,
Sivagangai District.

:Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to dispose of the petitioner's representation application dated 07.10.2016 made for assessment of house tax in the petitioner's name for the present and previous assessment years in the light of the judgment and decree dated 24.11.2014 passed in A.S.No.103 of 2012 on the file of Sub-Court, Sivagangai with in a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

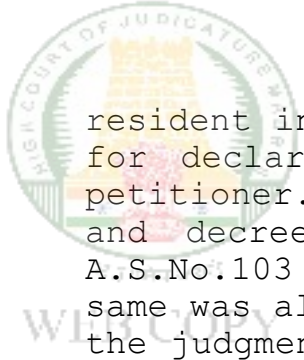
This writ petition is filed to direct the respondent to dispose of the petitioner's representation dated 07.10.2016, which is made for assessment of house tax in the petitioner's name for the present and previous assessment years, in the light of the judgment and decree dated 24.11.2014 passed in A.S.No.103 of 2012 on the file of Sub-Court, Sivagangai, within a time frame as fixed by this Court.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice on behalf of the respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that she was resident of Kumarakurichi Village, Ilayangudi Taluk, Sivagangai District in the land and building comprised in Natham Pula No.380/54B. The property absolutely belongs to her and patta was also issued by the Tahsildar, Ilayangudi Taluk in favour of the petitioner. Thereafter, house tax has also been assessed to the property.

<https://hcservices.ecourts.gov.in/hcservices/>

4.While the matter stood thus, one Kaleeswaran who is



resident in the same Village, has filed a suit in O.S.No.69 of 2008 for declaration of title and recovery of possession against the petitioner. The said suit was dismissed and as against the judgment and decree of the trial Court, first appeal was preferred in A.S.No.103 of 2012 on the file of the Sub-Court, Sivagangai and the same was also dismissed on 24.11.2014. According to the petitioner, the judgment and decree of the Appellate Court had become final and conclusive, as no further appeal has been preferred.

5.While so, in view of the pendency of the dispute between the petitioner and the other person, the respondent stopped assessing the house tax for the property from 2009 onwards. After conclusion of the civil proceedings, the petitioner has been representing to the respondent for reviving the assessment of house tax, but unfortunately, no action has been foregoing from the respondents. In this regard, the petitioner made a representation dated 07.10.2016, but no action has been taken on the said representation and therefore she is before this Court for the above said relief.

6.Since the prayer sought in the present writ petition is limited in the scope, in the fitness of things, this Court is inclined to dispose of the writ petition at the admission stage itself by giving the following direction:-

“(a) the respondent is directed to consider the representation made by the petitioner on 07.10.2016 and thereupon renew the assessment of house tax as admissible in the premises and the enjoyment of the petitioner, the respondent shall also take appropriate decision in this regard with reference to the conclusion of the civil proceedings in respect of the petitioner and the said Kaleeswaran.

(b) the respondent is directed to communicate the decision taken in this regard to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.”

7.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar(CS IV)



To

The Block Development Officer,
Block Development Office,
Ilayangudi,
Sivagangai District.

1CC TO MR. B. PRAHALAD RAVI, ADVOCATE SR 80289

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