



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

C O R A M

WEB COPY

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

W.P. (MD) No. 22452 of 2017
and
WMP (MD) No. 18763 of 2017

S. Thangasamy Nadar

.. Petitioner

Vs.

1. The District Collector
Tirunelveli.

2. The Executive Officer
Thisaiyanvilai Town Panchayat,
Tirunelveli District.

3. V. Murugan

.. Respondents

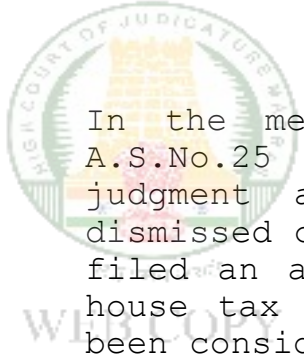
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to cancel the House Taxation No. 6212 in the name of V. Murugan with Door No. 253 A, Udankudi Road, from the year 2017-2018 (April-March) remitted by the third respondent in the light of the judgment and decree order passed against third respondent in A.S. No. 25/2007 dated 31.10.2007 on the file of the Additional Sub Court, Valliur passed against in O.S. No. 105/2004 dated 22.11.2005 on the file of the Additional District Munsif Court, Valliur.

For Petitioner : Mr. M. Laxmi Mahendraa
For R1 : Mr. Aayiram K. Selvakumar,
Additional Government Pleader.
For R2 : Mr. M. Rajarajan,
Government Advocate
For R3 : No Appearance

O R D E R

This writ petition has been filed seeking a direction to the second respondent/The Executive Officer to cancel the house tax assessment stands in the name of the third respondent in respect of the property in Door No. 253 A, Udankudi Road.

2. According to the petitioner, he is owner of the house and the third respondent has filed a suit in O.S. No. 105 of 2004 for permanent injunction on the file of the Additional District Munsif, Valliur, which was dismissed by judgment dated 22.11.2005. <https://hcservices.ecourts.gov.in/hcservices/> Hereafter, the third respondent filed another suit in O.S. No. 122 of 2014 on the file of the Sub Court, Valliur, which is still pending.



In the meantime, the third respondent has filed an appeal in A.S.No.25 of 2007 before the Sub Court, Valliur, against the judgment and decree passed in O.S.No.105 of 2004, which was dismissed on 31.10.2007. In the above circumstances, the petitioner filed an application before the second respondent to transfer the house tax assessment order in his favour and as the same has not been considered so far, the petitioner has filed this Writ Petition.

3. Even though notice was issued to the third respondent and his name was printed in the cause list, none appeared for the third respondent.

4. I have heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first respondent and also the learned Government Advocate appearing for the second respondent.

5. Though the petitioner has sought for the larger relief as above, at the time of argument, the learned Counsel for the petitioner would submit that it would suffice, the representation dated 24.11.2017 submitted by the petitioner may be directed to be considered by the second respondent after due notice.

6. The learned Government Advocate Pleader appearing for the second respondent, on instructions, would submit that the representation is pending with the second respondent and if a reasonable time is granted to the second respondent, the representation of the petitioner will be considered and suitable orders passed, after due notice to all the parties.

7. In the above circumstances, the second respondent is directed to consider the petitioner's representation dated 24.11.2017 and pass orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the third respondent, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector , Tirunelveli.

2.The Executive Officer

Thisaiyanvilai Town Panchayat, Tirunelveli District

+One cc to Mr.M.Laxmi Mahendras, Advocate, SR.No.40914

+One cc to Mr.C.K.M.Appaji, Advocate, SR.No.41260

+One cc to The Special Government Pleader, SR.No.41029

rm