

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.06.2019
CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.18116 of 2009

Bhuvanagiri Boorasami Varthagar Sangam,
167/C1, Bazaar Street,
Bhuvanagiri, Cuddalore District
rep. by its President
K.R.Sriraman

...Petitioner

Versus

The Bhuvanagiri Town Panchayat
Rep. by its Executive Officer,
Cuddalore District.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent herein to issue the receipts in respect of the properties bearing Door Nos.167B, (New No.124), 167-C (New No.122-A), 167 C/1 (New No.122), 167D (New No.120), 167 E (New No.118) of Bazaar Street, Bhuvanagiri as directed in the proceedings in Mu.Mu.No.854/1995 dated 8.11.1995 and as issued till 31.3.2007 of the respondent herein.

For Petitioner : Mr.Parthasarathy
For Respondent : Mrs.K.Bhuvanesswari
AGP.

O R D E R

This Writ Petition has been filed seeking Mandamus, directing the respondent herein to issue receipts in respect of the properties bearing Door Nos.167B, (New No.124), 167-C (New No.122-A), 167 C/1 (New No.122), 167D (New No.120), 167 E (New No.118) of Bazaar Street, Bhuvanagiri as directed in the proceedings in Mu.Mu.No.854/1995 dated 8.11.1995 and as issued till 31.3.2007 of the respondent herein.

2.The properties bearing Door Nos.167B, 167C, 167/C/1, 167D and 167E absolutely belong to one Varthagar Sangam, Bhuvanagiri and the said properties were purchased by the said Varthagar Sangam, Bhuvanagiri, for the purpose of celebrating Masimagam Festival of the 'Srimushnam Temple'. Initially, the

petitioner's father was the president of the said Varthagar Sangam from 1956 and on his own efforts and capacity, he raised funds and built the shop and the main hall in the above said property. After demise of the petitioner's father, the petitioner has become the President of the said Varthagar Sangam and was in obsolete possession and enjoyment of the said properties. According to the petitioner, during the life time of the petitioner's father, there was an rival Varthar Sangam, who attempted to dispossess the petitioner in order to grab the above said property. Hence, the petitioner's father filed a suit in O.S.No.15 of 1985 before the District Munsif Court, Chidambaram as against those rival parties and the same was dismissed. However, the appellate court viz., The District Court, Cuddalore, decreed the suit in A.S.No.107 of 1987, against which a second appeal in S.A.No.24 of 1990 was filed before this Court, wherein this Court dismissed the appeal confirming the decree granted by the lower appellate Court. Therefore, the petitioner's father continued to be in the post of President of the Varthagar Sangam without any disturbance. However, in order to safeguard the properties belonging to the Varthagar Sangam, the petitioner has approached the revenue authorities to incorporate the petitioner's name along with Varthagar Sangam in all the revenue receipts. Accordingly, the revenue authorities have issued the tax and other receipts including the petitioner's name as early as from 1995 to 31.03.2007. Though, the President of the Town Panchayat recommended for inclusion of the petitioner's name in the tax receipts, initially its was included and issued but subsequently, it was not issued. Therefore, the petitioner has made representations to the revenue authorities. Since, no fruitful orders have been passed in favour of the petitioner, the petitioner has filed the present petition with the aforesaid prayer.

3.Mr.Parthasarathy, learned counsel appearing for the petitioner submitted that though the tax receipts were issued in the name of the petitioner for the past 12 years as recommended by the President of the Town Panchayat, thereafter it was not issued in the name of the petitioner. He further submitted, the petitioner is the President of the said Varthagar Sangam for several years and accordingly, his name is entitled to be included in the tax receipts and other revenue receipts. He further submitted that he did not ask to transfer the properties in his name but only to include his name in the revenue receipts of the said properties. Accordingly, he prays to allow the petition.

4.The learned Additional Government Pleader, appearing for the respondent submitted that for the very same issue, the petitioner has approached the District Munsif Court,

Chidambaram, by way of filing a suit in O.S.No.175 of 2007 as against this respondent and the said suit was dismissed on 23.10.2009. He further submitted that the petitioner has suppressed the above said fact and has filed the present writ petition. Accordingly, he prays for dismissal of the writ petition.

5.Heard both sides.

6.Admittedly, the properties in dispute absolutely belongs to "Varthagar Sangam" and therefore the right vests with the Varthagar Sangam and all the tax receipts and other revenue receipts shall stand in the name of Varthagar Sangam only. Further, it is seen from records that the petitioner has already approached the District Munsif Court, Chidambaram, for the same relief by way of filing a suit in O.S.No.175 of 2007 as against the same respondent and the said suit was dismissed on 23.10.2009. However, without challenging the said order, the petitioner has filed the present petition, which is unsustainable. Therefore, this Writ Petition is liable to be dismissed, accordingly dismissed. No costs.

Sd/-
Deputy Registrar(C.S)

//True Copy//

Sub Assistant Registrar

rm

To

The Executive Officer,
Bhuvanagiri Town Panchayat
Rep. by its
Cuddalore District.

+1 cc to The Government Pleader, Sr.No. 46917

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CSL/02.07.2019

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