

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3/7/2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No23442 of 2017 and
W.M.P. No.24624 of 2017

J.Ananda Jothi
Ex. President
Indira Nagar Town Panchayat
Kurinjipadi Union
Cuddalore District Petitioner

Vs

1. The Secretary to Government
Revenue Administration
Fort St. George
Chennai - 600 009
- 2 .The Secretary to Government
Rural Development of Panchayat
Fort St. George
Chennai - 600 009
3. The District Collector
Cuddalore District
Cuddalore ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 3rd respondent to consider the representation preferred by the petitioner dated 28.2.2017 in the light of Section 172(5) of the Tamil Nadu Panchayat Act, 1994.

For petitioner ... No Appearance

For respondents ... Mr.E.Manoharan,
Addl. Govt. Pleader

O R D E R
(Order of the Court was delivered by S.MANIKUMAR, J.)

In the forenoon, the matter was called and we recorded as hereunder:

"No representation. Passed over. Call the matter at 2.15 p.m. today."

2. In the afternoon, the matter is taken up at 2.40 p.m.

3. The petitioner has sought for a writ of mandamus, directing the 3rd respondent to consider his representation dated 28.2.2017 in the light of Section 172(5) of the Tamil Nadu Panchayat Act, 1994.

4. Supporting the prayer sought for, the petitioner has stated that he preferred petition to the respondents bringing out the plight of the residents of NLC Rehabilitation Centre Jurisdictional Indira Nagar Panchayat. When the Neyveli Lignite Corporation was formed in Neyveli, the land owned by the people, has been acquired by the said Corporation. Alternatively, the Corporation along with Tamil Nadu Government have allotted lands to the people who have been dispossessed from their property.

5. Petitioner has further stated that, at the time of allotment of properties to the people, the Corporation, gave a piece of paper as token to the allottee. The main allottee after obtaining the piece of paper, has started living in their allotted land. In the year 1980, lands have been sold out to the present occupants for a valid consideration and not registered in accordance with the Registration Act, 1908.

6. Petitioner has further stated that after purchasing the property, the land owners were not able to get the patta for their properties. When they approached the revenue authorities to obtain patta for their lands, it was rejected by the revenue authorities, stating that they are not holding any valid registered sale documents.

7. Petitioner has further stated that, when the facts stood thus, inhabitants of the locality, have put up construction to live in that place. For the purpose of construction of building, the people were not able to avail the loan for want of address proof. They are not able to get educational loans for their children. All the benefits of the government have been denied to the people. It is pertinent to mention that the inhabitants of that area are facing hardships and their legitimate claim has been denied by the authorities. When, the petitioner was a President of Indira Nagar Panchayat, he refused to accept the

property tax, which was paid by the people, due to the oral instructions of the revenue officials not to collect property tax.

8. Petitioner has further stated that, aggrieved over the refusal of property tax, one Mr.P.Kandavadivel has chosen to file W.P.No.26627 of 2015 on the file of this Court. This Court, was pleased to consider the representation of the petitioner dated 08.08.2015 and directed to pass appropriate orders, on merits and in accordance with law, within the period of six weeks, from the date of receipt of copy of the order, affording an opportunity of hearing to the petitioner.

9. Petitioner has further stated that, he was not able to collect property tax from the public, due to the aforesaid reasons. The real problem is that property tax can be collected only in the names of the main allottee, but the ground reality is entirely different. He further stated that nearly 70% of the land in that area are 30% who are all main allottees of the property. He further submitted that the people in that area have purchased the property 20 years ago. They have already put up construction and settled. Even after getting the direction from the High Court, the Revenue authorities have not collected the property tax. Their livelihood is affected due to prevention of payment of property tax. For the above said reasons, the petitioner has filed the instant writ petition for the relief stated supra.

10. Even in the afternoon session, learned counsel for the petitioner is not present. Hence, we heard the learned Additional Government Pleader appearing for the State and perused the materials available on record.

11. On instructions from the office of the District Collector, Cuddalore District, Cuddalore, namely respondent No.3, Mr.E.Manokaran, learned Additional Government Pleader, submitted that in the said area, i.e. NLC Rehabilitation Centre Jurisdictional Indira Nagar Panchayat, there are certain issues to be settled in the matter of payment of tax. He further submitted that representation of the writ petitioner should be considered and orders passed within two weeks from the date of receipt of a copy of this order.

12. Placing on record the above submission, without going into the merits of the contentions raised, we deem it fit to direct the District Collector, Cuddalore District, Cuddalore, namely respondent No.3, to dispose of the representation dated 28.2.2017, in accordance with law, within two weeks from the date of receipt of a copy of this order.

13. Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(insp.cell)

//True Copy//

Sub Assistant Registrar

asr

To

1. The Secretary to Government
Revenue Administration
Fort St. George
Chennai - 600 009
- 2 .The Secretary to Government
Rural Development of Panchayat
Fort St. George
Chennai - 600 009
3. The District Collector
Cuddalore District
Cuddalore.

+1cc to The Government Pleader, SR. No. 55948

+1cc to Mr.A.Ansar, Advocate, S.R.No.56395 (09/10/2019)

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W.M.P. No.24624 of 2017

JP (CO)

RMP (05/07/2019)

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