



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTHW.P(MD)No.14213 of 2013

WEB COPY

S.Thiagararan

... Petitioner

Vs.

1.The Administrative Officer,
Sholavanthan Panchayat, Vadipatti Taluk,
Madurai District.

2.J.Kumaran

3.J.Raja

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus directing the first respondent to consider the petitioner's representation dated 08.07.2013 requesting the first respondent to assess property tax assessment in the name of Secretary, Sholavanthan Maruthuvar Sangam in respect of the property bearing R.S.No.719/1, measuring 9 cents in center out of 49 cents, Patta No:43 in Sholavanthan Village Vadipatti Taluk, Madurai District, within a time limit fixed by this court.

For Petitioner	:	Mr.T.K.Gopalan
For R1	:	Mr.A.Thiagarajan Government Advocate
For R2 & R3	:	No appearance

O R D E R

The petitioner seeks a mandamus directing the first respondent to consider the representation dated 08.07.2013 to assess the property tax in the name of the Secretary, Sholavanthan Maruthuvar Sangam in respect of the property bearing R.S.No.719/1, measuring 9 cents in center out of 49 cents (property in question). After tracing the title of the property in question, the petitioner states that the property in question has been sold finally to the Maruthuvar Sangam under a registered sale deed dated 13.03.1948. The patta number is 43. The petitioner is one among the members of the Sangam.

2. While this is so, the property tax assessment appears to have been made in the name of the petitioners' brother. The same was objected to by way of representation dated 08.02.2013 by the petitioner enclosing documents to show that the property stood in the name of the Sangam and was thus to be utilized in common by all members of the Sangam. According to the petitioner, nobody could attain any specific interest or right in regard to the same. This representation, though received by the first respondent has not been



disposed. The petitioner avers that private respondents 2 and 3 have raised objections to the petitioners' representation, copies of such objection having been obtained by the petitioner under the Right to Information Act.

3. Notice has been issued and served upon the second and third respondents and their names have been printed in the cause list. However, despite the same there is no representation on their behalf.

4. The issue in question relates to a assessment of the property in the correct hands and this is to be determined by the first respondent, the Administrative Officer of the Sholavanthan Panchayat after hearing the petitioner and all concerned parties and considering all materials that are relevant and placed on record by the parties.

5. For this reason, I am of the view that the representation of the petitioner filed as early as on 08.07.2013, confirmed by Mr.Thiagarajan, learned Government Advocate as pending on the file of the second respondent, shall be disposed after hearing the petitioner as well as the private respondents and considering all rival contentions to be raised by the parties. This exercise shall be initiated by issuing notice to the petitioner, the respondents 2 and 3 and other parties, who may be deemed as necessary parties by the first respondent and completed within a period of eight weeks from date of conclusion of the personal hearing.

6. This writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

To,
The Administrative Officer,
Sholavanthan Panchayat,
Vadipatti Taluk, Madurai District.

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-75110[F] dated 12/07/2019)

W.P (MD) No.14213 of 2013
12.07.2019

CM

MS/10.09.2019/2P.3C

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