



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.22563 of 2016

WEB COPY

Easwaran

... Petitioner

Vs.

1.The Joint Commissioner/Commercial Tax Officer,
Dr.Thangaraj Salai, K.K.Nagar,
Madurai - 20.

2.The Assistant Commissioner,
Commercial Tax Office,
Sub-Treasury Complex,
Madurai Road, Theni.

3.The Commissioner,
Theni Allinagaram Municipality,
Theni.

4.The Deputy Superintendent of Police,
Vigilance - Anti - Corruption,
Ratna Nagar, Theni.

5.The Revenue Divisional officer,
Thamaraikulam, Periyakulam Taluk,
Theni District.

6.V.S.Sandeep

... 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 cancel the TIN numbers allotted to the tenant of the sixth respondent by conducting a detailed enquiry considering the representation of the petitioner dated 24.03.2016 within stipulated time granted by this Court.

For Petitioner : Mr.Easwaran, Party-In-Peron
For R1, R2, R4 and R5 : Mr.A.Thiagarajan
Government Advocate

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the first respondent to cancel the TIN numbers allotted to the tenants of the sixth respondent by conducting detailed enquiry and considering the representation of the petitioner dated 24.03.2016 within a stipulated time.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing on behalf of respondents 1, 2, 4 and 5.

3. The petitioner claims to be 1/6th share holder in the property comprised in Survey No.1695/1A situated at Allinagaram Village, Theni District.

4. According to the petitioner, himself and five others are entitled to equal 1/6th share in the property. The sixth respondent however has taken possession of the aforesaid property illegally and has constructed two shops therein without obtaining any planning permission and the shops have been leased out to third parties.

5. The petitioner appears to have requested the first and second respondents, being the Joint Commissioner/Commercial Tax Officer and Assistant Commissioner of Commercial Taxes to desist from issuing the TIN number to the tenants of the sixth respondent to enable them to carry on business there. However, there has been no response to the petitioners' request.

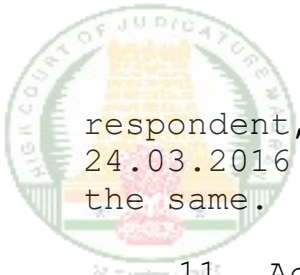
6. Further, the petitioner has submitted a petition under the Right to Information Act calling specifically for the details relating to the planning permission in regard to the shops constructed by the sixth respondent. In response to the petitioners' query, the third respondent, the Commissioner of the Theni Allinagaram Municipality has replied, confirming that planning permission has not been granted by the Municipality in respect of the construction effected by the sixth respondent. While so, the sixth respondent has been issued TIN numbers on 17.03.2014 and 23.04.2015 and the tenants of the sixth respondent are carrying on business in the premises.

7. The petitioner has sent a representation to the first respondent on 24.03.2016 requesting him to cause enquiry into the matter and cancel the TIN numbers issued to the tenants of the sixth respondent. The aforesaid representation has been received by the first respondent, but no action has been taken thus far.

8. Mr.Thiagarajan, learned Government Advocate appearing on behalf of respondents 1,2, 4 and 5 has no objection to the prayer sought and submits that the Deputy Superintendent of Police and the Revenue Divisional Officer, respondents 4 and 5 respectively, may be directed to conduct an enquiry, in accordance with law.

9. Insofar as the sixth respondent is concerned, though complete service of notice is complete, he has not chosen to appear either in person or through counsel despite printing of his name in the cause list.

10. Taking note of the aforesaid position, I am of the view that the interests of justice would be served if the first



respondent, by whom the representation of the petitioner dated 24.03.2016 has, admittedly been received, is directed to dispose of the same.

11. Accordingly, the first respondent is directed to consider the representation of the petitioner dated 24.03.2016 after issuing notice to the third respondent as well as the sixth respondent and co-owners of the property. After affording due opportunity to each of them, the first respondent shall pass orders on merits and in accordance with law on the representation of the petitioner dated 24.03.2019. The said exercise shall be completed within a period of six weeks from date of receipt of a copy of this order. The petitioner may be called upon by the first respondent at the first instance to supply the details of other co-owners in order to ensure that they are put to notice as well and the proceedings shall be taken up for hearing thereafter.

12. This writ petition is disposed of in the above terms. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Joint Commissioner/Commercial Tax Officer,
Dr.Thangaraj Salai, K.K.Nagar,Madurai - 20.
 - 2.The Assistant Commissioner,Commercial Tax Office,
Sub-Treasury Complex,Madurai Road, Theni.
 - 3.The Commissioner,Theni Allinagaram Municipality,
Theni.
 - 4.The Deputy Superintendent of Police,
Vigilance - Anti - Corruption,
Ratna Nagar, Theni.
 - 5.The Revenue Divisional officer,
Thamaraikulam, Periyakulam Taluk,
Theni District.
- +1 CC to Mr.V.ESWARAN, Party-In-Person (SR-68347[F] dated 13/06/2019)

W.P (MD) No.22563 of 2016
12.06.2019