

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.35371 of 2012

Veerammal

...Petitioner

Vs.

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Commissioner,
Dharapuram Municipality,
Dharapuram.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for a writ of Mandamus directing the 2nd respondent to receive tax including tax arrears from petitioner by considering petitioner's representation dated 05.12.2011.

For Petitioner : Mr.N.Ponraj

For Respondent No.1 : Mr.R.S.Selvam
Government Advocate

For respondent No.2 : Mr.D.Yogeshwaran

ORDER

This writ petition has been filed for a mandamus to direct the second respondent to receive tax including the tax arrears from the petitioner by considering the petitioner's representation dated 05.12.2011.

2.It is the case of the petitioner that she belongs to scheduled caste and her husband was given a free house site by Dharapuram Tahsildar in his proceedings No.Na.Ka.No.4993/71-A2. According to the petitioner, she and her husband built a house in the above said house site. According to the petitioner, ever since they constructed a house, they were living in the said house along with her daughters, son and her in-laws. It is the case of the petitioner that the above mentioned property was

mortgaged by the petitioner's husband with the Tamil Nadu Khadi and Village industries on 03.05.1989 to meet out the family needs of the petitioner and her family. It is the case of the petitioner that her husband who was the sole breadwinner of the family died on 22.11.1992 leaving behind the petitioner and her children as his legal heirs.

3. According to the petitioner, due to bad financial circumstances caused by her husband's death, with great difficulty, she redeemed the mortgage from the Tamil Nadu Khadi and Village Industries on 06.10.2020 and the same was registered as document No.11250/2010 before the Sub Registrar office, Dharapuram. According to the petitioner, she was willing to pay arrears of the house tax to the second respondent but the second respondent refused to receive the same as according to them, there was huge arrears to be paid.

4. It is the case of the petitioner that despite the petitioner's best efforts to pay the property tax, the second respondent unlawfully and illegally refused to receive the property tax from the petitioner. It is the case of the petitioner that she approached the first respondent on 05.12.2011 on a people's grievance day and appealed to the first respondent to direct the second respondent to receive the house tax from the petitioner. Accordingly, the said application submitted by the petitioner before the first respondent was forwarded by the first respondent to the second respondent through the Revenue Divisional Officer's letter O.MU 2836/2011/a dated 15.12.2011. But according to the petitioner, till date, the second respondent has refused to receive the house tax nor considered the petitioner's application dated 05.12.2011. In such circumstances, this writ petition has been filed.

5. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner, Mr.R.S.Selvam, learned Government Advocate appearing for the first respondent and Mr.D.Yogeshwaran, learned counsel appearing for the second respondent.

6. The prayer sought for in this writ petition is an innocuous prayer and no prejudice will be caused to the respondents, if the prayer sought for, is granted by this Court. It is the case of the petitioner that the second respondent refused to receive the house tax for her property, despite several requests made by her including the last representation dated 05.12.2011, which was given to the first respondent to direct the second respondent to collect the tax as well as the arrears from the petitioner. This Court is inclined to direct the second respondent to dispose of the representation of the petitioner dated 05.12.2011, as no prejudice will be caused to any of the parties. Accordingly, this Court directs the second

respondent to dispose of the petitioner's representation dated 05.12.2011 given to the first respondent, which was forwarded to the second respondent with regard to the request made by the petitioner to the second respondent to receive the house tax in respect of the property at No.103/35, New No.103/55, Kottai Mettu Street, Dharapuram Town, Dharapuram Taluk, Tiruppur District and pass final orders within a period of eight weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to the petitioner to place all the documents required to substantiate her case.

7. With the aforesaid direction, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sms

To

1. The District Collector,
Tiruppur District, Tiruppur.

2. The Commissioner,
Dharapuram Municipality,
Dharapuram.

+1 CC to Mr. N. Ponraj, Advocate sr 5543.

+1 CC to Govt. Pleader sr 5331.

सत्यमेव जयते

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VGII (CO)
SP (25/02/2020)

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