

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24833 of 2017

E.Abdulkalam

... Petitioner

Vs.

1.The Special Officer,  
Pozhichalur Panchayat,  
Pozhichalur,  
Tambaram Taluk,  
Chennai - 600 074.

2.Subbalakshmi .... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the petitioner's representation dated 06.02.2017 and to disclose/inform to the petitioner the total arrears of Property and Water Tax including the penalty amount if any in respect of the petitioner's properties at Plot Nos.9 and 10, present Door Nos.2/48 and 2/49, 2<sup>nd</sup> street, Police Commissioner's Staff Colony, (C.P.S. Colony), Pozhichalur, Tambaram Taluk, Chennai - 74 within a time frame as may be stipulated by this Hon'ble Court and also to consequently direct the 1<sup>st</sup> respondent to receive such payment of property and water tax whenever the petitioner tender or pay.

For Petitioner : M/s.K.Subramanian  
for Mr.K.Venkatesan

For Respondents : M/s.R.Ramanlal for R2  
M/s.V.Kayalvizhi for R1

O R D E R

The relief as such sought for in the present writ petition is to direct the 1<sup>st</sup> respondent to consider the petitioner's representation dated 06.02.2017 and to disclose/inform to the petitioner the total arrears of Property and Water Tax including the penalty amount if any in respect of the petitioner's properties at Plot Nos.9 and 10, present Door Nos.2/48 and 2/49, 2<sup>nd</sup> street, Police Commissioner's Staff Colony, (C.P.S. Colony), Pozhichalur, Tambaram Taluk, Chennai - 74 within a time frame as may be stipulated by this Hon'ble

Court and also to consequently direct the 1<sup>st</sup> respondent to receive such payment of property and water tax whenever the petitioner tender or pay.

2. The second respondent is the wife of the petitioner is in possession of the property. After hearing the learned counsel for the petitioner and the second respondent, it appears that there are serious disputes between the parties in various forums and all of that have commenced with matrimonial proceedings between the parties. There are allegations and counter allegations. Considering these facts, this Court cannot issue any writ of mandamus as sought for by the petitioner and the petitioner has to sort out all the issues in the pending proceedings. On the last hearing date, when the matter was heard by this Court on 21.02.2020, this Court expressed serious displeasure as regards the conduct of the petitioner.

3. Taking note of the displeasure expressed by this Court, the learned counsel for the petitioner submitted that his client is willing to enter into some settlement with the second respondent. It is for the petitioner and the second respondent to sort out the differences in the pending matrimonial proceedings and at this juncture no direction can be issued to the panchayat for receiving any tax from the hands of the petitioner.

4. With the above directions, the writ petition stands dismissed. No costs.

Pns

Sd/-

Assistant Registrar (CS-IV)

//True copy//

सत्यमेव जयते

Sub Assistant Registrar

To

The Special Officer, Pozhichalur Panchayat,  
Pozhichalur, Tambaram Taluk, Chennai 600 074.

+1 CC to Mr.R.Ramanlal, Advocate SR No.22384

+1 CC to Mr.K.Subramaniam, Advocate SR No.22038

+1 CC to the Government Pleader SR No.22683

W.P.No.24833 of 2017

kk(CO)

mst(29/05/2020)