



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.10039 of 2020

(Through Video Conference)

WEB COPY

Lawrence Mahilan Raja

... Petitioner

Vs

- 1) The District Collector,
Tuticorin District,
Tuticorin.
- 2) The Block Development Officer,
Sathankulam Panchayat Union,
Sathankulam,
Tuticorin District.
- 3) The President,
Kommadiikkottai Village Panchayat,
Sathankulam Panchayat Union,
Tuticorin District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to assess the appropriate house Tax and issue house Tax receipt to the petitioner's house in S.F.No.62/2B at Kommadiikkottai Village, Sathankulam Taluk, Tuticorin District, on the basis of his representation dated 05.05.2020, within the time frame fixed by this Court.

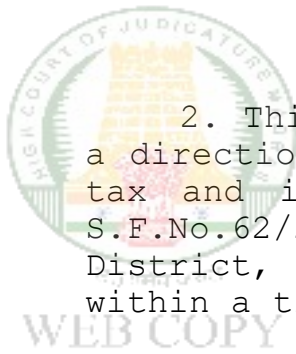
For Petitioner : Mr.T.Vadivelan

For R-1 : Mr.C.Ramesh,
Special Government Pleader

For R-3 : Mr.S.Dhayalan

O R D E R

Mr.C.Ramesh, learned Special Government Pleader accepts notice for the first respondent and Mr.S.Dhayalan, learned counsel accepts notice for the third respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.



2. This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to assess the appropriate house tax and issue house tax receipt to the petitioner's house in S.F.No.62/2B at Kommadikkottai Village, Sathankulam Taluk, Tuticorin District, on the basis of his representation, dated 05.05.2020 within a time frame to be fixed by this Court.

3. It is the case of the petitioner that he is residing in the aforementioned address and he has been in possession and enjoyment of the same ever since his purchase. According to him, the Tahsildar, Sathankulam has also issued patta bearing No.1572 in his name. It is the case of the petitioner that he submitted an application with the respondents on 05.05.2020 seeking for assessment of house tax and for issuance of house tax receipt for his property. It is his case that till date, his application has not been considered by the respondents. In such circumstances, this writ petition has been filed.

4. A counter affidavit has been filed by the third respondent stating that the property under the possession of the petitioner is a disputed property. It is also their case that no planning permission has been obtained by the petitioner for constructing the house. Therefore, according to him, the petitioner has violated the provisions of Rule 34 of the Tamil Nadu Panchayat Buildings Rules, 1987.

5. The relief sought for by the petitioner in this writ petition is an innocuous relief. He seeks for assessment of house tax and issuance of house tax receipt for his property. No prejudice will be caused to the respondents if the representation of the petitioner, dated 05.05.2020 seeking for assessment of house tax and issuance of house tax receipts for his property is considered by the third respondent on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 05.05.2020 seeking for house tax assessment and for issuance of house tax receipt for his house at S.F.No.62/2B at Kommadikkottai Village, Sathankulam Taluk, Tuticorin District, and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1) The District Collector,
Tuticorin District,
Tuticorin.
- 2) The Block Development Officer,
Sathankulam Panchayat Union,
Sathankulam,
Tuticorin District.
- 3) The President,
Kommadiyottai Village Panchayat,
Sathankulam Panchayat Union,
Tuticorin District.

+1 CC to SPL GP (SR-22368[F] dated 20/11/2020)

Order made in
W.P. (MD) No.10039 of 2020
19.11.2020

VB (07.12.2020) 3P 5C