BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.09.2020
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.(MD)No.12058 of 2020

M.M.Ambalam ... Petitioner

Vs.

The Executive Officer,
Selection Grade Town Panchayat,
Kamuthi,
Ramanathapuram District - 623 603. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to pass orders to assess the property tax for the newly constructed AC Sheet Roof Commercial Building at GRS No:606/1275 (Ward No.5) Muslim Bazaar, Kamuthi Town Panchayath, Ramanathapuram District, in which the petitioner intends to do his own business along with his brother Sheik Ibrahim Ambalam based on his representation dated 26.08.2020, within a time frame by perusing all the documents submitted on his side.

For Petitioner : Mr.R.Babu Jaganath
For Respondent : Mr.M.Rajarajan
Additional Government Pleader.

O R D E R

Heard the learned counsel on either side.

2. The petitioner had put up the petition mentioned commercial construction. He wants the same to be assessed to property tax.

3.The respondent informs the Court that the local Pallivasal had raised obejection and also filed O.S.No.28 of 2020 before the Principal District Court, Ramanathapuram in this regard. Hence, the respondent is unable to comply with the petitioner's request in view of the objection raised by the said Pallivasal.

4.It is seen that the petitioner had purchased the property in question from one Sikkandhar Beevi in the year 2008. It is further claimed that the agreement was entered into as early as in the year 1988. Be that as it may, the respondent had given building plan approval in favour of the petitioner herein. Having given building plan approval, the respondent cannot decline to assess the property to property tax.

5.At the same time, this Court is bound to protect the rights of the objector also. As rightly pointed out by the

Additional Government Pleader appearing for the local body, assessing the property to property tax is only to augment to interest of revenue. The petitioner through his counsel gives an undertaking that the petitioner will not derive any advantage through this order while contesting the civil dispute with Pallivasal in O.S.No.28 of 2020. The respondent is directed to assess the petition mentioned building to property tax. The petitioner will have to defend his case independently.

6.With the above observation and direction, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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:

The Executive Officer,
Selection Grade Town Panchayat,
Kamuthi,
Ramanathapuram District - 623 603.

+1 CC to M/s.GP (SR-17727[F] dated 22/09/2020)

W.P.(MD)No.12058 of 2020
21.09.2020

SCR(CO)
AP(05/10/2020) 2P 3C