



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.18479 of 2020

and W.M.P. (MD) No.15466 of 2020

(Through Video Conference)

N.Pandian

... Petitioner

Vs

The Executive Officer,
Thondi Town Panchayat,
Thondi Village,
Tiruvadanai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to cancel property tax assessed in the name of petitioner's father Nagoor Pitchai in respect of the 3 tiled houses situated in the property comprised in S.No.59/2A2 Thondi Village, Ward No.1, Thondi Town Panchayat, Thiruvadanai Taluk, Ramanathapuram District and assess the property tax in respect of the houses in the name of the petitioner based on his representation dated 08.10.2020.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mrs.Lakshmi Prasanna,
Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking to cancel the property tax assessment standing in the name of the petitioner's father Nagoor Pitchai, in respect of the 3 tiled houses situated in the property comprised in S.No.59/2A2 Thondi Village, Ward No.1, Thondi Town Panchayat, Thiruvadanai Taluk, Ramanathapuram District and assess the property tax in respect of the houses in the name of the petitioner based on his representation dated 08.10.2020.

2. Mrs.Lakshmi Prasanna, learned Government Advocate accepts notice for the respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that he is the absolute owner of the aforementioned property. He, having got the same under a settlement deed executed by his mother on 01.03.2010 registered as Document No.481/2010 on the file of the Sub Registrar, Thondi.



4. It is his case that erroneously the property tax has been assessed for the said house in the name of his late father Nagoor Pitchai, who died on 24.04.2006. He has given a representation on 08.10.2020 seeking for transfer of the property tax assessment in his name in place of his deceased father Nagoor Pitchai. According to the him, the respondent has not considered the representation of the petitioner till date. In such circumstances, this writ petition has been filed.

5. Heard Mr.C.K.M.Appaji, learned counsel for the petitioner and Mrs.Lakshmi Prasanna, learned Government Advocate for the respondent.

6. Mrs.Lakshmi Prasanna, learned Government Advocate would submit that there is a rival claim over the same property. According to her, a suit has also been filed by the rival claimant, which has also been decreed in his favour. According to her, that is the reason for not transferring the property tax assessment in favour of the petitioner.

7. The relief sought for in this writ petition is an innocuous relief. No prejudice would be caused to the respondent if the representation of the petitioner is considered for transfer of property tax assessment in his favour on merits and in accordance with law after hearing the necessary parties, including any rival claimant for the same property.

8. For the foregoing reasons, this Court directs the respondents to consider the representation dated 08.10.2020 seeking for cancellation of the existing property tax assessment standing in the name of his late father Nagoor Pitchai for the three tiled houses situated in the property comprised in S.No.59/2A2 Thondi Village, Ward No.1, Thondi Town Panchayat, Thiruvadanai Taluk, Ramanathapuram District and seeking for transfer of the property tax assessment in his name and pass final orders on merits and in accordance with law, after hearing the necessary parties, including any rival claimants, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No.15466 of 2020 stands closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

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:

The Executive Officer,
Thondi Town Panchayat,
Thondi Village,
Tiruvadanai Taluk,
Ramanathapuram District.

+2 cc to Mr.C.K.M.APPAJI ,Advocate, SR No.25876

Order made in
W.P. (MD) No.18479 of 2020
Dated:
15.12.2020

PU (CO)
KK(11.01.2021) 3P 4C