



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P (MD) No.6863 of 2018

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Gunasekaran

... Petitioner

Vs.

1.The Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

2.The Commissioner,
Municipal Administration and Water Supply Department,
Chepauk, Chennai.

3.The District Collector,
Theni, Theni District.

4.The Commissioner,
Gudalur Municipality,
Theni District.

5.D.Murugesan,
Bill Collector,
Gudalur Municipality,
Theni District.

6.Deivendran

... Respondents

[R6 is impleaded vide order dated 03.04.2019 in
W.M.P. (MD) .No.7146/2018]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to take necessary action against the respondents 4 to 5 by considering the petitioner's representation dated 17.03.2018 and restore the House Tax Assessment in the name of the petitioner's father as stands originally in the name of Pinna Thevar @ Mokkaiah Thevar which was illegally transferred in the name of the petitioner's mother Amaravathy.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.K.P.Krishnadoss
Additional Government Pleader
For R1 to R3



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Mr.M.Karuppasamy Pandian
for R4

Mr.K.Hema Karthikeyan
for R5

Mr.M.A.M.Raja
for R6

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to take necessary action against the respondents 4 to 5 by considering the petitioner's representation dated 17.03.2018 and restore the House Tax Assessment in the name of the petitioner's father as stands originally in the name of Pinna Thevar @ Mokkaiah Thevar which was illegally transferred in the name of the petitioner's mother Amaravathy.

2. Heard the learned Counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Counsels appearing for the respondents 4 to 6.

3. The learned Counsel appearing for the petitioner submitted that the house property situated at Manthaiamman Kovil Street, Ward No.1, Melakoodalur Village, Uthamapalayam Taluk, Theni District, belongs to his father one Pinna Thevar @ Mokkaiah Thevar and his father paying kist for the past 50 years under House Tax No.1187 for the above said property. The said property is an ancestral property and then the said property was in the name of the petitioner's father. After the demise of the petitioner's father, the fourth respondent, who is the brother of the writ petitioner, without obtaining any legal heir certificate, illegally transferred the above said House Tax No.1187 in the name of their mother, namely Amaravathy, aged about 90 years. On that basis, Patta No.15 was issued in the name of the petitioner's mother. Thereafter, the fourth respondent transferred the said property in favour of him from his mother by way of gift settlement deed dated 03.10.2017, vide document No.3950/2017 and registered the same. According to the petitioner, the partition was not done properly between the legal heirs of his father, namely, Pinna Thevar @ Mokkaiah Thevar. Therefore, the said gift deed is not a valid one since it is a joint family property. Thereafter, the petitioner made a complaint to the second and third respondents to cancel the gift settlement deed dated 03.10.2017, by considering his representation dated 17.03.2018. Since the said representation was not considered by the official respondents, the present writ petition has been filed.



4. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 17.03.2018 is disposed of by the official respondents at the earliest.

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5. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the official respondents are prepared to consider the representation of the petitioner and to pass suitable orders on the same.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the official respondents to consider the representation dated 17.03.2018, submitted by the petitioner and to pass appropriate orders in accordance with law at the earliest, if there is no legal impediment to do so.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

PJL

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 Secretary,
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Secretariat, Chennai.

2. The Commissioner,
Municipal Administration and Water Supply Department,
Chepauk, Chennai.



3.The District Collector,
Theni, Theni District.

4.The Commissioner,
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