



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.18457 of 2015

WEB COPY

Gobi Kannan

... Petitioner

vs.

1.The District Collector,
Virudhunagar District.

2.The Block Development Officer,
Block Development Office,
Aruppukottai Union,
Virudhunagar District.

3.The President,
Athipatti Village Panchayat,
Aruppukottai Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the third respondent to transfer house tax receipt in petitioner's name from petitioner's deceased father's name, as per the proceedings of the second respondent in Na.Ka.No.2/1332, dated 28.09.2015 within a stipulated time as fixed by this Court.

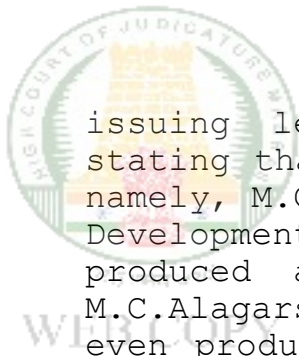
For Petitioner :Mr.M.Senthilayyanar

For Respondents :Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

This Writ Petition is filed to direct the third respondent to transfer house tax assessment in the name of petitioner from petitioner's deceased father's name, as per the proceedings of the second respondent in Na.Ka.No.2/1332, dated 28.09.2015.

2.The petitioner states that a residential house belonging to the petitioner's father is inherited by the petitioner along with his mother and his two sisters. The petitioner has also produced before this Court, the legal heirship certificate issued by the Tahsildar, dated 30.10.2014. Though the petitioner states that there is no other rival claim of title to the property, it appears that one C.A.Annathai has approached the revenue officials for



issuing legal heirship certificate along with the petitioner, stating that she is the first wife of deceased petitioner's father, namely, M.C.Alagarsamy. However, it is seen from the order of Block Development Officer, dated 28.09.2015, the said C.A.Annathai has not produced any record to show that she is the first wife of M.C.Alagarsamy. It is further observed that the said lady has not even produced any document to show or prove her marriage with the said M.C.Alagarsamy.

3.In the said circumstances, the petitioner submitted several documents by showing that electricity service connection stands in his name and that petitioner and his family members are residing in the property.

4.Considering the facts and circumstances of the case, this Court is able to see that the respondents can be directed to transfer the property tax assessment in the name of petitioner and his mother and his sisters subject to legitimate mutation or modification, if it is required on the basis of any Civil Court decree. Accordingly, the third respondent is directed to transfer the property tax assessment in favour of the petitioner and his mother and his sisters as per the legal heirship certificate issued by the Tahsildar, Aruppukottai, dated 31.10.2014 in respect of the house property, in which the petitioner is residing, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above directions, this Writ Petition is allowed.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cmr

To

- 1.The District Collector,
Virudhunagar District.
- 2.The Block Development Officer,
Block Development Office,
Aruppukottai Union,
Virudhunagar District.



3.The President,
Athipatti Village Panchayat,
Aruppukottai Taluk,
Virudhunagar District.

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+1 CC to Mr.M.SENTHIL AYYANAR, Advocate (SR-4182[F] dated 31/01/2020)

+1 CC to SPL.GP (SR-4410[F] dated 03/02/2020)

W.P.(MD)No.18457 of 2015
31.01.2020

VB(14.02.2020) 3P 6C