



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No. 6590 of 2017

S. Gunasekaran

: Petitioner

Vs.

1.The District Collector,
District Collectorate Complex,
Trichy District.

2.The Commissioner of Panchayat Union,
Manikandam, Ramjinagar Post,
Trichy.

3.The Special Officer / Block Development Officer,
Allithurai Village,
Manikandam Union Office,
Manikandam, Ramjinagar Post,
Trichy.

4.K. Subramaniyan

5.Nagarajan

6.Thandayuthapani

: Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 3 to consider his representation dated 04.08.2016 and mutate the tax register by removing the name of the respondents 4 and 6 and record his name with respect to the building situated in Old S.No.312/3 at Adavathur East, Allithurai Village, Door No.2/2 and 2/3, Main Road, Allithurai, within the time fixed by this Court.

For Petitioner : Mr.V. Raghavachari

For R1 to R3 : Mr.C. Ramar
Special Government Pleader

For R4 and R5 : Mr.K.S. Kathiravan



O R D E R

(This Petition was heard through Video Conferencing)

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents 1 and 3, to consider the petitioner's representation, dated 04.08.2016 requesting the respondents 1 and 3 to mutate the Tax Register by removing the name of the respondents 4 and 6 and by replacing the same with the petitioner's name in respect of the building situated in Old S.No.312/3 at Adavathur East, Allithurai Village, Door No.2/2 and 2/3, Main Road, Allithurai, within a time frame to be fixed by this Court.

2. Heard Mr. V. Raghavachari, learned counsel appearing for the petitioner and Mr.C. Ramar, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.K.S. Kathiravan, learned counsel appearing for the respondents 4 and 5.

3. The petitioner claims ownership of the aforementioned property on the strength of the decree passed in O.S.No.444 of 1977 filed by his father. However, as seen from the counter filed by the 5th respondent, the property in question is owned by Sree Parvatheswaraswami Temple of Allithurai. The petitioner has given a representation, dated 04.08.2016 to the respondents 1 and 3, seeking for mutation of the Tax receipts by removing the name of the respondents 4 and 6 and instead record the name of the petitioner.

4. Admittedly, the said representation has not been till date considered by the respondents 1 and 3. No prejudice will be caused to the respondents, if the representation of the petitioner, dated 04.08.2016 is considered by the respondents 1 and 3 on merits and in accordance with law, after hearing all the necessary parties, including the respondents 4 and 6 in this Writ Petition.

5. For the foregoing reason, this Court directs the first respondent to consider the petitioner's representation, dated 04.08.2016 requesting for mutation of the Tax receipts in his name by removing the name of the respondents 4 and 6 in respect of the building situated in Old S.No.312/3 at Adavathur East, Allithurai Village, Door No.2/2 and 2/3, Main Road, Allithurai, and pass final orders on merits and accordance with law, after hearing all the necessary parties, including the respondents 4 and 6 in this Writ Petition, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Trp

To

1.The District Collector,
District Collectorate Complex,
Trichy District.

2.The Commissioner of Panchayat Union,
Manikandam,
Ramjinagar Post,
Trichy.

3.The Special Officer / Block Development Officer,
Allithurai Village,
Manikandam Union Office,
Manikandam,
Ramjinagar Post,
Trichy.

+1 CC to Mr.S.RAMESH, Advocate (SR-23276[F] dated 30/11/2020)

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SR(CO)

KM (08.12.2020) 3P 5C