

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.882 of 2021

K.Sakunthala

... Petitioner

Vs

1. The President

Akkarahara Periyapalayam Village Panchayat
Akkarahara Periyapalayam Village
Utthukuli Taluk,
Tirupur District.

2. The Block Development Officer

Utthukuli Panchayat Union,
Utthukuli Taluk,
Tirupur District.

3. The Asst. Director of Rural Development

District Collectorate Campus
Tirupur District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, directing the First Respondent to take a further action in Na.Ka.No.1081/2020, Aa-2 dated 08.06.2020 issued by the Second Respondent and thereby cancel the property tax which is stand in the name of "BUTTERFLY PROCESSING INTERNATIONAL DYING COMPANY".

For Petitioner :Mr.T.Arul

For R1 & R2 :Mr.E.Balamurugan Spl.GP

For R3 :Mr.M.Elumalai AGP

ORDER

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.M.Elumalai, learned Additional Government Pleader takes notice for the third respondent. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2.According to the Petitioner, her husband T.P.Krishnan and T.P.Humakanth, T.P.Gnana Sundaram & S.Sabeer Ahamed jointly purchased the property in Survey No.233/2B measuring to an extent of 1.51 acres at Utthukulai Taluk, Uttukuli SRD, Akkarahara Periyapalayam Village, Tirupur District and they started a dying process unit under the name and style of

"BUTTERFLY PROCESSING INTERNATIONAL DYING COMPANY" in the subject property by constructing a building in the year 1996. After some time, they decided to terminate their partnership among themselves and accordingly, the petitioner's husband was relieved from the partnership deed with effect from 05.10.2017, without any consideration.

3.It is the further case of the petitioner that her husband T.P.Krishnan have got 17% of undivided share in the property covered in survey No.233/2B, in respect of which, he executed a Settlement Deed in favour of the petitioner on 18.04.2018 and the same was registered as Document No.1163/2018. Subsequently, she approached the Tahsildar, Utthukuli, and made a request to effect mutation in favour of her in respect of her share in the patta No.455 of 2020 pertaining to the subject property, which was also duly effected. Even after the mutation of the Patta, the Second Respondent issued the property tax in the name of the said Dying Company and T.P.Humakanth. Therefore, the Petitioner gave a representation to the Second Respondent on 03.06.2020 requesting to cancel the property tax issued in the name of the Dying Company, who in turn, by proceedings in Na.Ka.No.1081/2020/Aa-2 dated 08.06.2020 referred the matter to the First Respondent for taking appropriate action. However, no action was taken till date, which compelled the petitioner to approach this Court with the present writ petition seeking a mandamus to the first respondent in this regard.

4.Heard both sides and perused the documents enclosed in the typed set of papers.

5.Considering the facts and circumstances of case, more particularly that the representation of the petitioner dated 03.06.2020 was already forwarded by the second respondent to the first respondent, this Court directs the first respondent to take further action on the claim of the petitioner, on the basis of the proceedings of the second respondent in Na.Ka.No.1081/2020/Aa2 dated 08.06.2020, and pass appropriate orders, on merits and in accordance with law, that too, after affording due opportunity of hearing to the petitioner as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the aforesaid direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

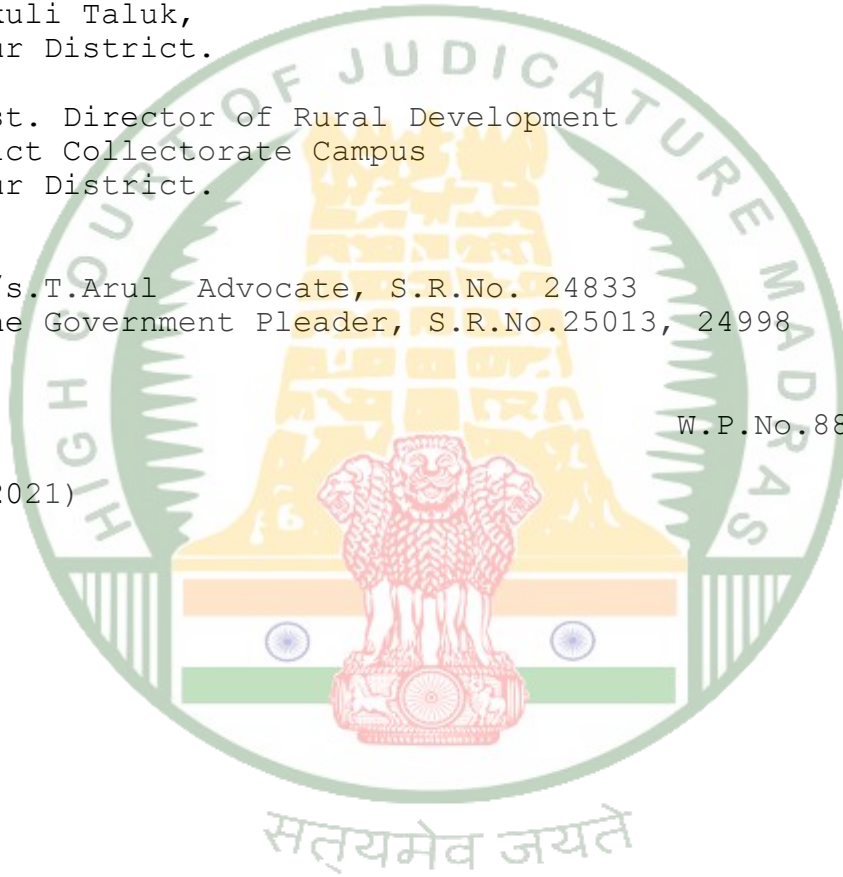
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+1cc to M/s.T.Arul Advocate, S.R.No. 24833

+1cc to the Government Pleader, S.R.No.25013, 24998

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GMI (CO)
GN(06/07/2021)



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