



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17089 of 2021

K.Senthil Kumar

... Petitioner

-Vs-

1. The Commissioner
Tiruppur City Municipal Corporation,
Tiruppur.
2. The Executive Officer
Neriperichal Village Panchayat
Neriperichal, Tiruppur District.
3. The President
Neriperichal Village Panchayat
Neriperichal, Tiruppur District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent No.2 and 3 to assess the property tax, grant water connection in respect of the petitioner's land and building comprised in S.No.116/1B (New Sub Divided S.No.116/1B2) situated at Neripperichal Village, Thiruppur District by considering his representation dated 06.07.2021 within stipulated period of time granted by this Honourable Court.

For Petitioner : Mr.K.Mayilsamy

For Respondents : Mr.K.M.D.Mugilan, Standing
Counsel

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the second and third respondents to assess the property tax and grant water connection for the building that has been put up by the petitioner in the subject property.



2. The case of the petitioner is that, he is the absolute owner of the subject property and he has also received temporary electricity connection and he is constructing a building after getting necessary approval from the concerned authorities. The petitioner made an application before the second and third respondents to assess the building for property tax and also grant water connection. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

3. The learned Standing Counsel appearing on behalf of the respondents submitted that, the competent authority to assess the property tax and give water connection is the first respondent since the property falls within Tiruppur Corporation. The learned counsel further submitted that already a legal notice was received by the first respondent, wherein four other persons have claimed right over this property by virtue of a decree passed by a competent civil court. The learned counsel further submitted that, these rival claimants have also sought for the cancellation of the subdivision made in the property and the same is pending before the Revenue Divisional Officer, Tiruppur. The learned counsel therefore submitted that, unless this dispute is resolved, it may not be possible to assess the property for property tax and grant water connection to the property.

4. The learned counsel for the petitioner submitted that, his client is not aware about the rival claim made over the property and if at all there are any rival claimants notice can be issued to the petitioner as well as the rival claimants also and the respondents can take a decision.

5. Taking into consideration the facts and circumstances of the case and after considering the submissions made on either side, there shall be a direction to the petitioner to submit a formal application seeking for assessment of property tax and water connection before the first respondent. On receipt of the same, the first respondent shall issue notice to the petitioner as well as the rival claimants and decide the claim made by the petitioner. It goes without saying that the first respondent will not deal with the inter-se rights between the parties and he will only consider the validity of the objections made by the rival claimants. Such a decision shall be taken by the first respondent within a period of four weeks from the date of receipt of the application from the petitioner.



6. With the above directions, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

KST

To

1. The Commissioner
Tiruppur City Municipal Corporation,
Tiruppur.
2. The Executive Officer
Neriperichal Village Panchayat
Neriperichal, Tiruppur District.
3. The President
Neriperichal Village Panchayat
Neriperichal, Tiruppur District.

+1cc to M/S.K.Myilsamy, Advocate, SR.No.41169

W.P.No.17089 of 2021

KSM(CO)
PM(02/09/2021)