



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.09.2021

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CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7889 & 7890 of 2014
and MP Nos.2 and 2 of 2014

1. A.Venkatachalapathy .. Petitioner in WP No.7889/2014
2. V.Santhanam .. Petitioner in WP No.7890 /2014

Vs.

The Commissioner,
Rasipuram Municipality,
Rasipuram,
Namakkal District.

.. Respondent in both WPs.

PRAYER in WP No.7889 of 2014: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 14.02.2014 for assessing the petitioner's land to the extent of 1815 Sq.feet in Old Ward No.2, New Ward No.5, Block No.A2, T.S.No.16/6K1A1 (Old T.S.No.195/3) in Rasipuram Municipality for land Tax within the time fixed by this Court.

PRAYER in WP No.7890 of 2014: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 14.02.2014 for assessing the petitioner's land to the extent of 2347.1/2 Sq.feet in Old Ward No.2, New Ward No.5, Block No.A2, T.S.No.16/6K1A1 (Old T.S.No.195/3) in Rasipuram Municipality for land Tax within the time fixed by this Court.

For Petitioner : Mr.M.Karthik for
in both WPs. Mr.I.C.Vasudevan

For Respondent : Mr.K.Arun Baabu
in both WPs.



COMMON ORDER

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2. The learned counsel for the petitioners contends that for the purpose of public usage, alternate lands have been offered by the vendors of the petitioners. Thus, the lands purchased by the petitioners, are to be surveyed by the Competent authorities.

3. Mere representation would not confer any right to direct the authorities to survey the land. The petitioners state that the lands were provided for public usage and alternate lands have been offered by the vendors of the petitioners. All these factors are to be adjudicated. This Court cannot presume the ownership/title, in respect of the subject properties. If at all the petitioners claim that they are the owners of the lands, an adjudication is to be done with reference to such claim and only then the petitioners would get a right and not merely by submitting a representation to the authorities to survey the land. Such a casual approach is impermissible and High Court cannot issue any direction without ascertaining the ownership/title, in respect of the subject properties.

4. In view of the facts and circumstances, the respondent is directed to ascertain the title/ownership in respect of the subject properties, with reference to the revenue records and if the applications submitted by the petitioners are in accordance with the rules and the Government Orders passed in this regard, then the same are to be considered. If the petitioners seek to survey the lands which are allotted for public purpose, then such lands are to be restored for the public purpose and at the outset all appropriate actions are to be initiated, in this regard.



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5. With these clarifications, the writ petitions stand disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rap/ars

To

The Commissioner,
Rasipuram Municipality,
Rasipuram,
Namakkal District.

+1cc to M/s.I.C.Vasudevan, Advocate, S.R.No.50719

W.P.No.7889 & 7890 of 2014

RLD(CO)
SB(13/10/2021)