



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.18356 OF 2018

AND

W.M.P.NO.21662 OF 2018

K.Balasubramaniyan

... Petitioner

.Vs.

1. The Commissioner,
Vedaraniyam Municipality,
Vedaraniyam - 614 810.

2. K.Mariappan

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent herein to consider the petitioner's representation dated 12.03.2018.

For Petitioner : Mr.N.Pragasam

For Respondent-1 : No Appearance

For Respondent-2 : Mr.J.Stalin
For Mr.R.Nateshkumar

O R D E R

The petitioner and the second respondent are brothers. The subject property were partitioned among the forefather of the petitioner during the year 1940. The portion of the property, which is the subject matter of the writ petition, was allotted to the father of the petitioner and the second respondent.

2. The property tax assessment was made in the joint name of the petitioner and the second respondent and the said assessment order was unilaterally changed by the first respondent in the name of the second respondent. The petitioner came to know about



the transfer of name in favour of the second respondent on 12.04.2014.

3. Thus, the petitioner submitted a representation on 12.03.2018, requesting for an enquiry for the purpose of restoring the property tax assessment order in the joint name as existed prior to the change in favour of the second respondent.

4. The learned counsel for the petitioner made a submission that the unilateral change effected by the first respondent is not in consonance with the provisions of the Statute. Even in case, a decision is taken, an opportunity is to be provided to the petitioner. Thus, an enquiry is to be conducted based on the representation submitted by the writ petitioner on 12.03.2018.

5. In view of the facts and circumstances, the first respondent is directed to conduct an enquiry on the representation submitted by the writ petitioner on 12.03.2018 on merits and in accordance with law and affording opportunity to all the parties concerned, including the petitioner and the first respondent thereafter shall dispose of the application as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

The Commissioner,
Vedaraniyam Municipality,
Vedaraniyam - 614 810.

+1cc to Mr.N.Pragasam, Advocate, S.R.No.39060

W.P.NO.18356 OF 2018

GPL(CO)
PBS/26/08/2021