BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **24.08.2021**
CORAM
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.11529 of 2021

K.Manavalan ... Petitioner

Vs

1.The District Collector,
Thiruchirappalli Distrcit,
New Distrcit Collector's Office,
Trichy-620 001.

2.The Tahsildar,
Manachanallur Taluk,
Tiruchirappalli District.

3.The Village Administrative Officer,
Melpathu Village,
Mannachanallur Taluk,
Tiruchirappalli District.

4.The President,
Melpathu Panchayat,
Mannachanallur Taluk,
Tiruchirappalli District. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to accept property tax from the petitioner for his properties situated at No.4/182, 4/182-A and 4/182-B, Arijana Street, Melpathu Village, Mannachanallur, Tiruchirappalli - 621 005 and issue necessary receipts for the same.

For Petitioner : Mr.M.Dinesh Hari Sudarsan.
For Respondents : Mr.R.SureshKumar,
Government Advocate.

ORDER

The prayer sought for herein is a Writ of Mandamus, directing the respondents to accept property tax from the petitioner for his properties situated at No.4/182, 4/182-A and 4/182-B, Arijana Street, Melpathu Village, Mannachanallur, Tiruchirappalli - 621 005 and issue necessary receipts for the same.

2.The case of the petitioner is that the petitioner is having house sites at S.Nos.4/182, 4/182-A and 4/182-B, Arijana Street, Melpathu Village, Mannachanallur, Tiruchirappalli District. The petitioner wanted to put up a small dwelling house at S.No.4/182-A, with the help of Prime Minister's Gramin Awaas Yojana Scheme, where the petitioner has already registered with Registration No.TN-16008/2/459. Since it is the Government of India scheme, under which, some financial assistance is being given for the petitioner to construct dwelling house at his own patta land, after getting financial assistance, when the petitioner started construction, there seems to have been some trouble at the behest of the fourth respondent and thereafter, after constructing the house, when the petitioner approached for electricity connection, it was not given. Therefore, the petitioner was constrained to file a writ petition before this Court in W.P.(MD)No.4759 of 2021. However, before the said Writ Petition was taken up for hearing, the electricity connection since has been given because of the intervention of the officials concerned, the petitioner seems to have withdrawn the said writ petition.

3.At that juncture, now the present issue is concerned, it is the claim of the petitioner that the petitioner, after constructing the house, wants to pay property tax to the fourth respondent Village Panchayat, for which, an attempt was made by the petitioner to pay property tax. Due to the alleged personal dispute between the petitioner and the fourth respondent or his relatives, it seems that the petition could not be entertained by the fourth respondent Village Panchayat to collect the property tax offered by the petitioner and to give back the receipt for such property tax to be paid by the petitioner.

4.Therefore, only in this regard, the petitioner has given a representation on 03.06.2021 to the first respondent District Collector, who is the Inspector of Panchayat of the District concerned under the provisions of the Tamil Nadu Panchayats Act, 1994 to have a control and superintendence over every Panchayat, to give suitable direction to the fourth respondent Village Panchayat to collect property tax from the petitioner and to issue a receipt for the same. However, the said representation since has not been considered, the petitioner has approached this Court, by filing this writ petition with the aforesaid prayer.

5.I have heard Mr.M.Dinesh Hari Sudarsan, learned counsel appearing for the petitioner, who having reiterated the aforesaid, would seek indulgence of this Court to issue a suitable direction to the first respondent as prayed for.

6.Heard Mr.R.Sureshkumar, learned Government Advocate, who appeared for the respondents including the fourth respondent, has submitted that, though an attempt has been made to get instructions instantly from the fourth respondent Village Panchayat, he could not succeed. However, he submitted that, insofar as the plea of the petitioner is concerned, since he wants to pay the property tax payable to the fourth respondent Village Panchayat and if the same is refused by the Fourth Respondent Village Panchayat at the behest of the President concerned for any reason, the said issue can very well be entered into and decided by the first respondent being the Inspector of Panchayat, by invoking Section 202 of the Tamil Nadu Panchayats Acts, 1994. Therefore, a suitable direction to that effect can be given and in that case, the representation of the petitioner would be considered by the first respondent and accordingly, needful would be undertaken by the first respondent in accordance with law within the time frame that may be stipulated by this Court.

7.I have considered the said submissions made by the learned counsel appearing for both parties and have perused the materials placed before this Court.

8.Very rarely, this kind of case before this Court comes to notice, where the petitioner being a lawful citizen wants to pay property tax to the fourth respondent Village Panchayat and in this regard, when he made an attempt with the Fourth Respondent Village Panchayat, the same has not been properly accepted or considered by the Fourth Respondent, who is supposed to accept the property tax, if any to be levied and payable by the petitioner and in this regard, if it is a difficulty expressed by the petitioner to pay the property tax, certainly, that kind of grievances shall be addressed and redressed by the first respondent, being the Inspector of Panchyat ,within the meaning of the provisions of the Tamil Nadu Panchayats Act, 1994. Therefore, this Court feels that a direction can be given to the first respondent to consider the representation of the petitioner dated 03.06.2021 and take necessary action to that effect and pass necessary orders by giving directions to the fourth respondent Panchayat, in accordance with law, within the timeframe.

9.In that view of the matter, this Court is inclined to dispose of this Writ Petition with the following order:

> that there shall be a direction to the first respondent to consider and decide the representation of the petitioner dated 03.06.2021, with regard to his alleged grievance of payment of property tax to the fourth respondent Village Panchayat and in this regard, the matter can very well be entertained into by the first respondent, by giving an opportunity of being heard to both the petitioner as well as the fourth respondent and thereafter, a decision can be taken and accordingly, by exercising his power under the provisions of the Tamil Nadu Panchayats Act, 1994, a suitable direction can be given to the fourth respondent in accordance with law and the needful

as indicated above shall be undertaken by the first respondent, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that along with the copy of this order, let the petitioner give a copy of the said representation dated 03.06.2021 to the first respondent District Collector enabling him to look into the matter immediately.

10. With these directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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New Distrcit Collector's Office, Trichy-620 001.

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+1 CC to M/s.GP (SR-27168[F] dated 25/08/2021)

W.P.(MD)No.11529 of 2021
24.08.2021

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