



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD).No.13283 of 2021

Raja Mohammed

...Petitioner

Vs

1.The District Collector,
Office of the Collectorate Building,
Madurai District.

2.The Block Development Officer,
Keelamathur Panchayat Union,
GST Road, Thirunagar,
Tiruparankundram Taluk,
Madurai District.

3.The Keelamathur Village Panchayat,
Rep.by its
President,
Keelamathur,
Madurai District.

4.Jinna

... Respondents

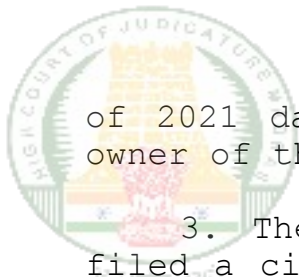
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.2 and 3 to issue a house tax receipt in the petitioner's name for the house property measuring to an extent of 897.39 Sq.ft., in Survey No.134/17(Old Survey No.9urr) situated at Keelamathur Village, Madurai District for a period of 2021-2022 by considering the petitioner's representation dated 13.07.2021.

For Petitioner : Mr.Haroon Rasheed.D.S
For R1 to R3 : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner seeks issuance of the house tax receipt in his name in respect of a housing measuring about 897.39 Sq.ft. in Survey No.134/17 at Keelamathur Village, Madurai District.

2. The petitioner states that the aforesaid property belonged to his father and that the patta, chitta and adangal in respect thereof stand in the name of his father. It is stated that the petitioner's father died on 18.02.2010 leaving behind six legal heirs including the petitioner. The petitioner claims that the other legal heirs executed a gift deed in his favour by document No.2481



of 2021 dated 04.03.2021 and that the petitioner became the sole owner of the property.

3. The petitioner points out that the members of his family filed a civil suit against the 4th respondent in O.S.No.200 of 2020 for an injunction to restrain the 4th respondent from disturbing their possession. Likewise, it is stated that the 4th respondent also filed a civil suit in O.S.No.193 of 2020 and that both civil suits are pending.

4. Since the petitioner and his family had been paying property tax periodically, the petitioner requested for the property tax receipt to be issued in his favour, but such representation did not elicit a favourable response.

5. Mr.R.Subbaraj, learned counsel for the state, accepts notice on behalf of the respondents 1 to 3 and submits that the 3rd respondent will consider and dispose of the petitioner's representation within a reasonable time frame.

6. The facts and documents on record evidence the existence of a dispute as between the petitioner and the 4th respondent herein. In fact, each party has filed suits against the other and the same are said to be pending. In these facts and circumstances, a positive direction cannot be issued to the official respondents to issue a house tax receipt in the petitioner's name.

7. Nevertheless, without going into merits of the matter, the 3rd respondent may be directed to dispose of the petitioner's representation within a reasonable time frame.

8. Accordingly, W.P.(MD).No.13283 of 2021 is disposed of by directing the 3rd respondent herein to consider the petitioner's representation dated 13.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity of hearing both to the petitioner and to the 4th respondent herein and any other person who would be affected by such order. Such reasoned order shall be passed within a period of two months from the date of receipt of a copy of this order. On account of the fact that the merits of the matter have not been gone into and because the 3rd respondent is directed to hear the 4th respondent before passing an order, the writ petition is disposed of without notice to the 4th respondent. There will be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To:

- 1.The District Collector,
Office of the Collectorate Building,
Madurai District.
- 2.The Block Development Officer,
Keelamathur Panchayat Union,
GST Road, Thirunagar,
Tiruparankundram Taluk,
Madurai District.
- 3.The President,
The Keelamathur Village Panchayat,
Keelamathur,
Madurai District.

+1 CC to M/s.GP (SR-25065[F] dated 03/08/2021)

W.P. (MD) .No.13283 of 2021

02.08.2021

SSS (CO)
LR (09.08.2021) 3P 5C