



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.15199 of 2021

WEB COPY

Shanmugamvel

... Petitioner

Vs

1.The District Collector,
O/o. District Collector,
Sivagangai.

2.The Panchayat President,
Kannangottai Panchayat,
Sivagangai Distrcit.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondent No.2 to consider the Petitioner's application dated 08.10.2020 and make house tax assessment of the house situated @ Eroliyal, Kannakottai panchayat bearing survey No. 238/1C, bearing Patta No. 849 and accept his house tax within a time frame fixed by this Court.

For Petitioner	: Mr.A.Rajini.
For Respondents	: Mr.R.SureshKumar
	Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the second respondent to consider the Petitioner's application dated 08.10.2020 and make house tax assessment of the house situated @ Eroliyal, Kannakottai Panchayat bearing Survey No.238/1C, bearing Patta No. 849 and accept his house tax, within the time frame fixed by this Court.

2.The petitioner claims that he has constructed a house, as he inherited the property from his fore-fathers and accordingly, he wanted the second respondent Village Panchayat to assess the property for the purpose of levying property tax and in this context, the petitioner has given a representation on 08.10.2020 to the second respondent Village Panchayat and since the same has not been considered, the petitioner has approached this Court by way of filing this writ petition.

3.Reiterating the aforesaid, the learned counsel appearing for the petitioner would seek indulgence of this Court to issue a direction to the second respondent Village Panchayat to consider the request of the petitioner and pass orders on merits within the timeframe.



4.Heard, Mr.R.SureshKumar, learned Government Advocate appearing for the respondents, who has received written instructions from the second respondent Village Panchayat dated 25.08.2021. By relying upon the same, the learned Government Advocate would submit that, insofar as the claim of the petitioner to assess the property in question for the purpose of property tax, there has been a written objection by one Subbaiah, who is none other than grandfather of the petitioner and therefore, whether the petitioner or the grandfather of the petitioner is the legal owner of the property concerned has to be examined and after hearing both sides, decision would be taken by the second respondent Village Panchayat in accordance with law, he contended.

5.I have considered the rival submissions of the learned counsel for both parties and have perused the materials placed before this Court.

6.In view of the aforestated facts as has been projected by the rival parties, this Court is inclined to dispose of this writ petition with the following order:

that there shall be a direction to the second respondent Village Panchayat to consider the representation of the petitioner dated 08.10.2020, along with objection given by one Subbaiah, who is none other than grandfather of the petitioner dated 02.07.2021 and after hearing both sides and giving an opportunity of being heard to the petitioner as well as the said individual, Subbaiah, the second respondent shall decide and pass orders on the plea raised by the petitioner, with regard to the assessment of the property tax on the property concerned. Needful as indicated shall be undertaken by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

7.With these directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sm

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

1.The District Collector,
O/o. District Collector,
Sivagangai.

2.The Panchayat President,
Kannangottai Panchayat,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-27358[F] dated 26/08/2021)

Order made in
W.P. (MD) No.15199 of 2021

Dated:
25.08.2021

GC(22.09.2021) 3P 4C