



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.16394 of 2021

Jeyabalan

...Petitioner

-Vs-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Panchayat Union Commissioner (Village Panchayat),
Office of the Kallal Panchayat Union,
Kallal, Sivagangai District.

3.The Assistant Director (Panchayats),
Sivagangai District,
Sivagangai.

4.The Executive Officer,
Thlakkavoor Panchayat,
Office of the Thlakkavoor Panchayat,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to collect property tax from the petitioner for the shop situated in S.No.120, Managiri Village, Karaikudi Taluk, Sivagangai District, by considering the petitioner's representation, dated 25.08.2021.

For Petitioner : Mr.B.Senthilnathan

For Respondents : Mr.D.Ghandiraj

Government Advocate

O R D E R

Prayer sought for herein is for a Writ of Mandamus, directing the fourth respondent to collect property tax from the petitioner for the shop situated in S.No.120, Managiri Village, Karaikudi Taluk, Sivagangai District, by considering the petitioner's representation, dated 25.08.2021.

2.The case of the petitioner is that the petitioner is having a house property at S.No.120, Managiri Village, Karaikudi Taluk, Sivagangai District, wherein the petitioner has already constructed



a dwelling house where he is residing. In the front portion of the property, he has constructed a shop. Insofar as the residential building is concerned, according to the petitioner, the same has been assessed for property tax by the fourth respondent Panchayat, however, insofar as the shop portion is concerned, it is yet to be assessed the property tax and in order to assess the shop area for the purpose of property tax, the petitioner has given a representation on 25.08.2021 to the first respondent with a copy to the other respondents, and since the same has not been so far considered, the petitioner has approached this Court by filing the present writ petition.

3. Heard, Mr.B.Senthilnathan, learned counsel appearing for the petitioner, who, having reiterated the afore said facts, would submit that, if a direction is given to the respondents, especially, the fourth respondent, to consider the request of the petitioner, and to pass orders thereon, within a time frame, on merits, the petitioner would be satisfied.

4. Heard, Mr.D.Ghandiraj, learned Government Advocate, appearing for the respondents, who, on instructions, would submit that, if at all the petitioner has given any such request on 25.08.2021, with regard to the grievance for assessing his shop property for the purpose of property tax to all the respondents, since the same has to be considered only by the fourth respondent, the fourth respondent would consider the same, on merits, within a time frame provided, if there is any rival claim on the very same property, that also would be considered by the fourth respondent, accordingly, necessary orders to that effect, on merits, would be passed.

5. Considering the said submissions made by the learned counsel appearing for both sides and taking into account the innocuous nature of the prayer sought for herein, this Court is inclined to dispose of this writ petition with the following order:

"that there shall be a direction to the fourth respondent to consider the representation of the petitioner, dated 25.08.2021, with regard to the plea of the petitioner for assessing his shop property at Managiri village, for the purpose of property tax, and decide the same, on merits and in accordance with law, after giving an opportunity of being heard to the petitioner, and to any third party, if any, who makes any rival claim, and accordingly, final orders shall be passed within a period of six(6) weeks from from the date of receipt of a copy of this order."

6. The petitioner shall forward a copy of this order along with a copy of the representation, dated 25.08.2021 to the fourth respondent for easy reference, and on receipt of the same, the



needful as indicated above shall be undertaken by the fourth respondent.

7. With these observations and directions, this writ petition is disposed of. However, there shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PJL

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

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Panchayat Union Commissioner (Village Panchayat),
Office of the Kallal Panchayat Union,
Kallal, Sivagangai District.

3. The Assistant Director (Panchayats),
Sivagangai District,
Sivagangai.

4. The Executive Officer,
Thlakkavoor Panchayat,
Office of the Thlakkavoor Panchayat,
Sivagangai District.

+1 CC to M/s.D.GHANDI RAJ, Advocate (SR-29050[F] dated 14/09/2021)

+1 CC to M/s.SPL. GP (SR-28941[F] dated 14/09/2021)

W.P. (MD) No.16394 of 2021
13.09.2021

NSN (CO)

KB (24.09.2021) 3P 7C