



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4546 of 2022

WEB COPY

1.K.T.Abraham

2.K.T.Nicolas

... Petitioners

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Nagercoil.

3.The Tahsildar,
Agasteeswaram,
Nagercoil.

4.The Village Administrative Officer,
Nagercoil North Village,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to consider the petitioners' representation dated 27.07.2021 and to receive the revenue tax payable by the petitioner as paid earlier for properties bearing Old Sy.No.1581, T.Sy.No.Q-44/21 comprised in patta number 6084 of Nagercoil North Village, Agasteeswaram Taluk, Kanyakumari District within the time fixed by this Court.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.D.Sasikumar

Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the third respondent to consider the petitioners' representation dated 27.07.2021 and to receive the revenue tax payable by the petitioners as paid earlier for properties bearing Old SY.No.1581, T.SY.No.Q-44/21 comprised in patta number 6084 of Nagercoil North Village, Agasteeswaram Taluk, Kanyakumari District, within a time frame to be fixed by this Court.



2. According to the petitioners, patta for the above property stands in their name but the respondents have refused to receive the revenue tax on the ground that there is a dispute between the petitioners and their brothers. It is also the case of the petitioners that the assessment can be made in the name of all the joint owners which includes their brothers. The petitioners have given a representation on 27.07.2021, requesting the official respondents to receive the revenue tax paid by them. But their representation has not been considered till date. In such circumstances, the petitioners have filed this writ petition.

3. Heard Mr.S.Ramesh, learned Counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4. No prejudice would be caused to the respondents if the petitioners' representation requesting the respondents to receive the revenue tax is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the third respondent deems fit to enquire.

5. Accordingly, this Court directs the third respondent to consider the petitioners' representation dated 27.07.2021 requesting the respondents to receive the revenue tax payable by the petitioners as paid earlier for the property in Sy.No.1581, T.Sy.No.Q-44/21 comprised in patta number 6084 of Nagercoil North Village, Agasteeswaram Taluk, Kanyakumari District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the third respondent deems fit to enquire within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

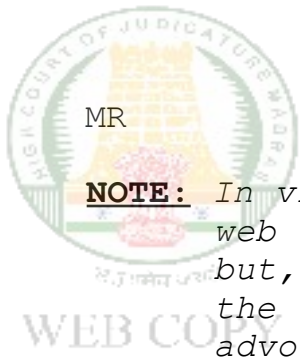
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



MR

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,
Kanyakumari District,
Nagercoil.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Nagercoil.
- 3.The Tahsildar,
Agasteeswaram,
Nagercoil.
- 4.The Village Administrative Officer,
Nagercoil North Village,
Nagercoil.

+1 CC to M/s.SPL GP (SR-12518[F] dated 16/03/2022)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-12561[F] dated 16/03/2022

ORDER MADE IN
W.P.[MD]No.4546 of 2022
15.03.2022

PKP/28.03.2022/3P/7C