



W.P.(MD)No.10872 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10872 of 2020

J.Sukumar

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Block Development Officer,
Periyakulam Panchayat Union,
Periyakulam Taluk,
Theni District.

3.The President,
Mudhalakkampatty Panchayat,
Periyakulam Taluk,
Theni District.

4.S.Veerapathiran

5.M.Mahendran

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 & 3 herein to issue property tax Assessment No.452 for the year of



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2018-2019, 2019-2020, 2020-2021 in Old Survey No.1854/3 and subsequent survey No.2626/1(part), Re-Survey No.2626/14 situated at Door No.341-A, Ward No.5, Mudhalakkampatty Panchayat, Periyakulam Taluk, Theni District, based on the petitioner's representation dated 22.07.2020 and consequently, direct the third respondent to cancel the property tax in Assessment No.452 for the year 2017-2018 issued in the name of the fifth respondent and to issue fresh receipt in the name of the petitioner by collecting the tax for the Assessment Year 2017-2018 within a time limit may be fixed by this Court.

For Petitioner : Mr.N.Marimuthu
For R1 : Mr.M.Sarangan
Additional Government Pleader
For R2 & R3 : Mr.R.Murugan
For R4 : Mr.N.Jeyaram Siddharth
For R5 : Mr.V.Karthick Raja
for M/s.Ajmal Associates

ORDER

Heard the learned counsel on either side.

2. The property that is the subject matter of this writ petition bears Door No.341-A, Ward No.5, Mudhalakkampatty Panchayat, Periyakulam Taluk, Theni District. It was assessed to property tax under Assessment No.452. It stood originally in the name Thiru.Jeyapandi.



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The petitioner's father was having only what is known as anumantha patta. Thoraya patta with the consent of the petitioner's father was issued in the name of the petitioner's mother Mahalakshmi. The petitioner's mother executed a settlement deed dated 12.06.2020 in favour of the petitioner. There was some typographical errors in the said settlement deed. They were rectified on 23.07.2020. There is no difficulty in coming to the conclusion that as on date, the petitioner is the title holder in respect of the petition mentioned property bearing door No.341-A. Since the earlier assessment stood in the name of Jeya Pandi, it is only just and proper that assessment register reflects the name of the present title holder.

3. Therefore, writ of mandamus is issued directing the respondents 2 & 3 to include the name of the petitioner in respect of the petition mentioned property pertaining to the Assessment No.452. Confusion arose because the petitioner's mother sold a piece of property in favour of the 5th respondent on 01.08.2017. The local body confused the petition mentioned property with the property sold in favour of the 5th respondent. The 5th respondent now clarifies that what was sold to him is



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comprised in Survey No.1854/1 and measures an extent of 2250 square feet. The petition mentioned property is comprised in old survey No. 1854/3. Since I am satisfied that both the items are separate and distinct, the respondents 2 & 3 are directed to assess the property purchased by the 5th respondent independently and assign an independent number to him.

4. With this direction, the Writ Petition is allowed. No costs.

14.07.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

The District Collector,
Theni District,
Theni.



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G.R.SWAMINATHAN,J.

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