



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.15226 of 2022

S.Radha

... Petitioner

Vs.

The President,
Gandarvakottai Village Panchayat,
Pudukottai District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to assess the property tax on the Petitioner's property, Natham house site measuring 0.00.5 Ares comprised in Natham S.No.414/16 in Kovilur Village, Gandarvakottai Taluk, Pudukottai District by considering the Petitioner's representation, dated 24.05.2022 at the earliest within a time to be fixed by this Court.

For Petitioner : Mr.R.Suriya Narayanan
For Respondent : Mr.T.Ajmad Khan
Government Advocate

ORDER

This writ petition has been filed praying for a writ of Mandamus directing the Respondent to assess the property tax on the Petitioner's property, Natham house site measuring 0.00.5 Ares comprised in Natham S.No.414/16 in Kovilur Village, Gandarvakottai Taluk, Pudukottai District by considering the Petitioner's representation, dated 24.05.2022.

2. It is submitted by the learned counsel for the Petitioner that the Petitioner is the absolute owner of the Natham house site, measuring 0.00.5 Ares, in Natham S.No.414/16 in Kovilur Village, Gandarvakottai Taluk, Pudukottai District by way of registered settlement deed, dated 11.02.2022, Document No.363/2022 on the file of SRO, Gandarvakottai, executed by Petitioner's husband in her favour. The said property originally belonged to the Petitioner's husband and he got the Natham settlement Patta No.1116 in his name for the old S.No.226/2A4B1.

3. It is also submitted that the Respondent claimed the above
<https://www.mhc.tn.gov.in/judis>



said property belonged to him. Hence, the Petitioner file .t in O.S.No.129/2022 on the file of Sub Court, Pudukottai for declaration and injunction and the same is pending. The above property comprised in 1 acre 36 cents had been classified as Natham house site and the house site Patta was issued to a number of persons including the Petitioner's husband. It is submitted that about 25 families had obtained patta and built/constructed houses. The Petitioner's husband also put up a tiled and asbestos shed in the said property and had a shop therein. The Sub-Registrar Office, Gandarvakottai is also situated in a portion of the above said land. Hence, the claim of ownership by Respondent is incorrect and misleading. The building and shop stated to belong to the Petitioner's husband requires electricity connection and for that the Petitioner needs Property Tax Receipt in her name apart from the mutation of title deed and revenue records. Hence, the Petitioner approached the Respondent and requested him to assess her property and to issue the Property Tax Receipt. The Petitioner has submitted a representation on 24.05.2022, the same had not evoked any response in view of the pendency of the civil suit.

4. It is submitted by the learned Government Advocate for the Respondent, on instructions, that the entire property in question in this case has been classified as Arasu Poramboke land and thus, the alleged possession of the Petitioner is questionable, but would state that the representation would be considered and pass orders in accordance with law.

5. In view of the above submission, it is made clear that this Court has not expressed any opinion on the merits of the Petitioner's claim. This Court directs the Respondent to consider and pass order on the representation of the Petitioner, dated 24.05.2022 on merits and in accordance with law taking into account all factors which are relevant in support of his claim including the documents given by Village Administrative Officer, Gandarvakottai as Arasu Poramboke land for the above said property within a period of eight weeks from the date of receipt of copy of this order after affording a reasonable opportunity to the Petitioner of being heard.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/11/2022

Sub Assistant Registrar (CS)



W.P(MD).N



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To

The President,
Gandarvakottai Village Panchayat,
Pudukottai District.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-47428[F] dated
28/09/2022)

+1 CC to M/s.SPL.GP (SR-47527[F] dated 28/09/2022)

W.P (MD) .No.15226 of 2022
26.09.2022

AMS (03.11.2022) 3P 4C