



W.P.(MD)No.17854 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.17854 of 2022

S.Arockiyaraj

.. Petitioner

Vs

**1.The District Collector,
Triuchirappalli District,
Triuchirappalli-620 001.**

**2.The Block Development Officer,
Union Office, Poovaloor Post,
Lalgudi Taluk,
Triuchirappalli District.**

**3.The Panchayat President,
Madakkudi Village Panchayat,
Pallividai Post, Madakkudi Village,
Lalgudi Taluk, Triuchirappalli District-621 112.**

**4.The Panchayat Secretary,
Madakkudi Village Panchayat,
Pallividai Post, Madakkudi Village,
Lalgudi Taluk,
Triuchirappalli District-621 112.**

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus, directing the respondents to permit the



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petitioner to remit house tax of his house property comprised in Door No. 1/268, Uppiliyar Street, Pallividai Post, Madakkudi Village, Lalgudi Taluk, Trichirappalli District and consequently direct the respondent Nos. 3 and 4 to issue house tax receipts in the petitioner's name by considering his wife representation dated 13.03.2022.

For Petitioner	: Mr.K.Vidya for M/s.Abul Kalam Azad.C
For 1 st Respondent	: Mr.P.Subbaraj Special Government Pleader
For Respondents 2 and 3	: Mrs.D.Farjana Ghoushia Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to permit the petitioner to remit house tax of his house property comprised in Door No.1/268, Uppiliyar Street, Pallividai Post, Madakkudi Village, Lalgudi Taluk, Trichirappalli District and consequently direct the respondent Nos. 3 and 4 to issue house tax receipts in the petitioner's name by considering his wife representation dated 13.03.2022.



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2.Mr.P.Subbaraj, learned Special Government Pleader takes notice for the first respondent and Mrs.D.Farjana Ghoushia, learned Special Government Pleader takes notice for the respondents 2 and 3. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The contention of the petitioner is that the property in Survey No.180/2E and 2F to the extent of 2035 sq. ft. situated at Madakkudi Village, Lalgudi Taluk, Tiruchirappalli District, is the petitioner's ancestral property. The petitioner and his brothers namely, C.Johnson, C.Sagayaraj, C.Savarimuthu and sister Jayarani, were jointly enjoying the property and joint patta was also issued in their name. The petitioner constructed a tiled roof house in the said property and residing the said house with his family for the past 22 years. Further, the petitioner obtained Electricity Service Connection, water connection and the house was provided with a Door No.1/268. The petitioner's house was also assessed by the Madakkudi Village Panchayat and he has been regularly paying house tax to the respondents 4 and 5 in his name. Moreover, the petitioner is having Aadhar Card, Voter ID and house tax bills and



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Family Ration Card with the said address. This being so, one of the petitioner's brother namely, C.Johnson, had some dispute with regard to the sharing of property and he filed a civil suit in O.S.No.124 of 2015 on the file of the District Munsif, Lalgudi seeking permanent injunction against his brothers and sister. Further, at the instigation of the petitioner's brother C.Johnson, the respondents 3 and 4 came to the petitioner's house and without any reason snatched the February month house tax receipt from the petitioner's wife. Thereafter, the petitioner's wife sent a representation on 13.03.2022 to the respondents. Since no action taken, the present Writ Petition has been filed.

4.The learned Special Government Pleader appearing for the first respondent submitted that the petitioner's wife sent a representation on 13.03.2022 and the same has been forwarded to the concerned authorities to take appropriate action. Further, the first respondent would enquire the concerned authorities about the progress of the representation dated 13.03.2022.



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5.The learned Special Government Pleader appearing for the respondents 2 and 3 submitted that the petitioner's wife representation has been considered. Since the civil suit in O.S.No.124 of 2015 is pending on the file of the District Munsif, Lalgudi, there was some objection in receiving the property tax. After enquiring, if there is no prohibitory order from any competent Court, the property tax would be received and appropriate receipt can be issued.

6.On perusal of the materials available on records, it is seen that the property tax has been received as could be seen from the typed set of papers, where the property tax receipts for the years 2016-17, 2017-18, 2018-19, 2019-20, 2020-21 are annexed. If that being so, there is no reason for the respondents 3 and 4 to refuse to receive the property tax from the petitioner. Unless there is any order from any competent Court.

7.In view of the same, the second respondent is directed to ensure that the respondents 3 and 4 shall consider the petitioner's wife representation dated 13.03.2022 and if there is no prohibitory order in issuance of property tax receipts to the petitioner, the property tax for the



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year 2021-22 and the years thereafter shall be received by the respondents 3 and 4. The second respondent is directed to ensure that the third respondent issues appropriate property tax receipt to the petitioner without any delay.

8. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Internet : Yes/No
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M.NIRMAL KUMAR, J.

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