



W.P(MD).No.24250 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD).No.24250 of 2022

C.Thomas

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.

3.The Village Administrative Officer,
Methukummal Village,
Killiyoor Taluk,
Kanyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 2 and 3 to receive the land tax from the Petitioner in respect of 8-3/8 Cents which belongs to the Petitioner in R.S.No.585/4 of Methukummal Village, Vilavancode Taluk (Now Killiyoor Taluk), Kanyakumari District on the basis of the Petitioner's representation, dated 15.03.2022.

For Petitioner : Mr.G.Ramanathan

For Respondents : Mr.M.Ramesh
Government Advocate



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ORDER

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This Writ Petition has been filed praying for a writ of Mandamus directing the Respondents 2 and 3 to receive land tax from the Petitioner in respect of 8-3/8 Cents, which belongs to the Petitioner in R.S.No.585/4 of Methukummal Village, Vilavancode Taluk (Now Killiyoor Taluk), Kanyakumari District on the basis of the Petitioner's representation, dated 15.03.2022.

2. Mr.Ramesh, learned Government Advocate takes notice for the Respondents.

3. The subject property originally belonged to the Petitioner's father. In the year 1965, there was a partition and in terms of partition deed, 28-3/8 cents in R.S.No.585/4 was allotted to the Petitioner. On 13.06.2005, Petitioner sold 20 cents of land to his son. The Petitioner was still in possession of remaining 8 cents of land and he paid property tax till 2011. After the year 2011, the Petitioner approached the 3rd Respondent herein for paying property tax, but he refused to receive the tax and informed the Petitioner that suit for partition is pending. It is submitted that one Baskaran S/o.Chinnakannu filed a suit in O.S.No.50 of 1986 before the District Munsif Court, Kuzhithurai for



partition based on his sale deed for 50 cents alone in R.S.No.585/4 of Methukummal Village. The preliminary decree was passed. Subsequently, after the death of Baskaran, his legal representatives, namely, Rajeshkumar, Sureshkumar and Rajashree filed final decree application, same was dismissed on 24.02.2020. Now, the legal representatives of above said Baskaran has filed a restoration application. Till date, dismissal order is not set aside by the learned District Munsif. It is further submitted that the Government has passed G.O.Ms.No.1848, dated 17.12.2007 attached the properties of the finance business run by said Baskaran. The above G.O attached a number of properties in S.No.585/4 of Methukummal Village which included the property in question. It is submitted that S.No.585/4 covers 01.18.00 hectares of which the claim of Baskaran and his legal heir is limited to only 50 cents. In this background, it is submitted that the action of the Respondents in refusing to accept the property tax, which is sought to be paid by the Petitioner is unjustified. Hence, in this regard, the petitioner submitted a representation on 15.03.2022 before the respondents 1 and 2. However, till date, the respondents 1 and 2 have not taken any action in the representation of the petitioner. Hence, the present Writ Petition.

4. It is submitted by the learned Government Advocate appearing for the Respondents that the Petitioner may make a fresh representation



representation. If such representation is made, the same would be considered and orders passed thereon in accordance with law.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. In view of the same and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, the Petitioner may submit a fresh representation within a period of four weeks from the date of receipt of copy of the order. On receipt of any such representation, the Respondents are directed to consider the same and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the Petitioner and other stake holders/interested parties, if any, within a period of eight weeks thereafter. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits.



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7. With the above direction, the Writ Petition stands disposed of. No costs.

15.11.2022

Index : Yes / No
Internet : Yes/ No
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MOHAMMED SHAFFIQ, J.

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