



W.P.(MD)No.25384 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.25384 of 2022

Mupidathi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.

3.The Block Development Officer,
Village Panchayat,
Sankarankoil Taluk,
Tenkasi District.

4.The President,
Veerasigamani Panchayat,
Veerasigamani,
Tenkasi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 4th Respondent to issue house tax receipt in the name of the petitioner in respect of her house built in S.No.1179/8 situated in Veerasigamani Village, Sankarankoil Taluk, Tenkasi District by considering the petitioner's representation dated 28.10.2022.



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For Petitioner	:Mr.K.Jeyamohan
For Respondent	:Mr.M.Siddharthan
	Additional Government Pleader for R1 & R2
	:Mr.S.Shanmugavel
	Additional Government Pleader for R3 & R4

ORDER

This writ petition is filed to direct the 4th Respondent to issue house tax receipt in the name of the petitioner in respect of her house built in S.No.1179/8 situated in Veerasigamani Village, Sankarankoil Taluk, Tenkasi District by considering the petitioner's representation dated 28.10.2022.

2.It is submitted the above said property belonged to the father-in-law of the petitioner and property tax is issued in the name of the petitioner's father-in-law namely R. Shanmuga sundaram, who has settled the said property in the year 2018 to his two sons namely Muthu Mariappan and Mariappa Raj. The petitioner is the wife of Muthu Mariappan. The said Muthu Mariappan, by way of registered settlement deed dated 24.05.2022, has settled the said property to the petitioner. It is further submitted that the petitioner's father-in-law was residing in an old house, which was in a



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dilapidated condition. Hence, they constructed a house in the above said place under PM Scheme and submitted documents for issue of property tax in her name and approval of building plan. In the mean time, Mydeen Meeral Beevi, owner of property in S No.1179/4 has filed a Writ Petition in W.P.(MD).No.19056 of 2022, before this Court alleging that the petitioner has encroached the public path way in S.No.1179/6, by constructing staircase and partially projecting the building in the pathway. It is submitted that the petitioner is legally entitled to the said property and has constructed house only in the land S.No.1179/8 as per registered settlement deed dated 24.05.2022. Despite submission of all relevant records, the Respondent is not issuing property tax and building plan approval in the name of the petitioner. Hence, the present writ petition.

3.The learned Additional Government Pleader, would submit that the above representation would be considered and pass orders thereon in accordance with law.



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4.Considering the limited scope of the prayer sought for in this writ petition, there shall be a direction to the respondents herein to consider the representation of the petitioner, dated 28.10.2022 and pass appropriate orders on merits and in accordance with law, within period of eight weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner and other stake holders/interested parties, if any. 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 respondents to consider the same on its own merits. It is also made clear that it is open to the respondents, while considering the representation to consider the impact of the pendency of the writ petition in W.P.(MD).No.19056 of 2022 on the petitioner's request and shall proceed after putting the petitioner and other stake holders/ interested parties on notice on the above aspect as well.

5.With the above direction, this writ petition stands disposed of.

No costs.

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Index : Yes / No

Speaking Order : Yes / No
sbm

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MOHAMMED SHAFFIQ, J.

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