BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.6006 of 2023

Arumugam .. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director of Panchayat,
Ramanathapuram,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

4.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

5.The Tahsildar,
Keelakarai,
Ramanathapuram District.

6.The Block Development Officer,
Thiruppullani,
Ramanathapuram District.

7.The President,
Utharavai Panchayat,
Thiruppullani Block,
Ramanathapuram District.

8.P.Muthupandi .. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the fifth respondent to conduct appropriate enquiry upon the petitioner's representation dated 15.10.2022 and to pass order for restoring the house tax assessment in the name of the petitioner in respect of the petitioner's house in Door no. 1/50-1, Utharavai Village, Thiruppullani Block, Ramanthapuram District within the time limit that may be stipulated by by this Court.

For Petitioner	:	Mr.M.S.Jeyakarthik
For RR1 to 5	:	Mr.A.Sivanupandian Government Advocate

ORDER

The petitioner has filed this writ petition for a Mandamus directing the fifth respondent/Tahsildar, Keelakarai, Ramanathapuram District, to consider his representation dated 15.10.2022 by conducting an appropriate enquiry and pass orders to restore the house tax assessment in the name of the petitioner in respect of the petitioner's house in Door

No.1/50-1, Utharavai Village, Thiruppullani Block, Ramanthapuram District.

2. It is the case of the petitioner that he has been rendering service as a Poosari to Sri Valamburi Muneeswarar Aalayam, situate in Utharavai Village for over 40 years and has been residing near the temple in a hut put up by him. The said hut is assessed to property tax and bears Door No.1/50. The temple is situate on the Government land and therefore, the Government authorities had taken steps to demolish the petitioner's hut as well as the tent of the temple. Therefore, he had filed a suit in O.S.No.268 of 2004 before the District Munsif's Court, Ramanathapuram, for permanent injunction against the District Collector, Ramanathapuram and Tahsildar, Ramanathapuram, which was decreed ex-parte in his favour by judgment and decree dated 14.02.2014. The house tax was being remitted to the seventh respondent.

3. While so, it appears that the eighth respondent, behind the petitioner's back, has changed the house tax assessment in his name and

in this endeavour, he was actively assessed by the 7th respondent. The petitioner would submit that on the strength of change in house tax assessment, the eighth respondent and his henchmen are attempting to interfere with the temple activities and the petitioner would submit that his signature has been forged by the eight respondent. Therefore, he sent a representation to respondents 1 to 4 and 6 on 15.10.2022 asking them to conduct an enquiry and restore the petitioner's name in the house tax assessment. Along with the writ petition, the petitioner has filed tax receipts dated March, 2016 and March, 2019 standing in his name. However, on 04.01.2022, the receipt was issued in the name of the eighth respondent. The petitioner would submit that there is no proceedings under which the assessment has been transferred.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for respondents 1 to 5.

5. Considering the fact that the petitioner only seeks to have an enquiry on his representation and also taking into account the fact that till 2019 the house tax receipt stood in the name of the petitioner and

only in the year 2022 it has been transferred to the name of the eighth respondent, for which no documents have been produced, interest of justice would be *subserved,* if this writ petition is allowed as prayed for and a direction is issued to the fifth respondent to conduct an enquiry on the representation by affording opportunity to both the petitioner as well as the eighth respondent to make their submissions and thereafter, pass orders.

6. For the above reasons, this writ petition is allowed as prayed for and a direction is issued to the fifth respondent to conduct an enquiry on the representation dated 15.10.2022 made by the petitioner by affording opportunity to both the petitioner as well as the eighth respondent to make their submissions and thereafter, pass orders. The said exercise is directed to be concluded within a period of eight weeks from the date of receipt of a copy of this order. No costs.

20.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
abr

P.T.ASHA, J.

abr

To

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