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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8423 of 2023

M.Shobana ... Petitioner

Vs.

The Executive Officer,
Town Panchayat,
Thirupananthal,
Thiruvidaimaruthur Taluk,
Thanjavur District. ... Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice in Na.Ka.No.147/2021/A1, dated 24.11.2022 and quash the same and consequently, directing the respondent to issue house tax receipt in the name of the petitioner.

For Petitioner : Mr.T.Selvakumaran

For Respondent : Mr.D.Gandhi Raj
Special Government Pleader

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ORDER

This writ petition is filed for the issuance of writ of certiorarified mandamus calling for the records of the respondent dated 24.11.2022 and quash the same and consequently, direct the respondent to issue house tax receipt.

2. It is the case of the petitioner that the property in question originally belonged to his grandfather Ponnusamy Chettiar and on whose demise, the same devolved on his wife Kuppammal. Since the petitioner was unable to obtain legal heirship certificate, she had filed a suit in O.S.No.27 of 2015 for issuance of legal heirship certificate of Kuppammal and the same has been issued in favour of the petitioner's mother Kalavathi. The petitioner thereafter requested the respondent to issue house tax receipt in his name, which was rejected. The respondent had issued house tax receipt in his mother Kalavathi's name. The petitioner thereafter sent a representation on 04.03.2022 calling upon the respondent to issue house tax receipt in his name and no action was

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taken, which constrained the petitioner to file W.P(MD) No.5917 of 2022 and the same was disposed of with the following observations:-

> *"10.The issue would require detailed consideration. The petitioner's representation dated 04.03.2022 is still pending before the respondent. Whether the property indeed belongs to the aforesaid Mutt or not has to be decided by the respondent. The respondent is therefore directed to consider the petitioner's representation dated 04.03.2022 and dispose of the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. In case, the property indeed belongs to the said Mutt, proper intimation will be sent to the petitioner regarding the same"*

3. The petitioner submitted the copy of the order to the respondent and the petitioner had personally requested the respondent to issue the house tax receipt. Since no action was initiated by the respondent, the

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petitioner had issued the contempt notice and immediately the respondent had sent a reply calling upon the petitioner to submit certain documents. All those documents were submitted by the petitioner under cover of his reply. However, the respondent proceeded to issue impugned circular (கடிதக்குறிப்பு) stating that no documents had been produced by the petitioner to show his ownership of the property and that only upon receipt of these documents, the respondent could pass orders. This circular dated 24.11.2022 is challenged in the instant writ petition.

4. Heard the learned counsel appearing on either side.

5. The petitioner claims to be the owner of the building. However admittedly he has not produced any document to show his ownership over the building. The sale deed admittedly is only with reference to the land. Since the petitioner is seeking the transfer of the property tax in his name, he has to at the out set establish his right to the building. I see no reason therefore to find fault with the order passed by the respondent. Accordingly, this Writ Petition is disposed of with a direction to the

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petitioner to produce all the documents as sought for by the respondent in the impugned order dated 24.11.2022 within a period of two weeks from the date of receipt of a copy of this order and thereafter, appropriate orders will be passed by the respondent within a period of four weeks. No costs.

02.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp

To

The Executive Officer,
Town Panchayat,
Thirupananthal,
Thiruvidaimaruthur Taluk,
Thanjavur District.

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P.T.ASHA, J.

cp

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