BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13762 of 2023

C.Krishnamoorthy ... Petitioner

Vs.

1.The District Collector
District Collector Office,
Karur District.

2.The Union Commissioner for Rural Development,
Office of Rural Development,
Thogaimalai,
Kulithalai Taluk,
Karur.

3.The Block Development Officer
Village Panchayat Union,
Thogaimalai,
Kulithalai Taluk,
Karur.

4.The President
R.T. Malai Panchayat,
Thogaimalai,
Kulithalai Taluk,
Karur. ... Respondents

(R 4 name is deleted as per order of this Court, dated 13.06.2023)

5. xxxx

(R5 is deleted as per order of this Court, dated 13.06.2023)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to issue tax receipts to the petitioner for his houses, shops and oil mill and subsequently directing the first respondent to curtail the fifth respondent from interfering the duties of the fourth respondent on the basis of petitioner's representation dated 06.04.2022.

For Petitioner : Mr.K.Sivabalan
For Respondents : Mrs.D.Farjana Ghoushia, - for R1 & R2 Special Government Pleader
Mr.V.Om Prakash, Government Advocate

O R D E R

Even before entering into a discussion on the merits, it is noticed that in the writ petition, the fourth respondent, President, R.T.Malai Panchayat, Thogaimalai, Kulithalai Taluk, Karur, has also been described by giving her name. The name Mrs.Ponnammal may be deleted by the Registry, before issuing the order copy.

2. The fifth respondent Balamurthi appears to be the husband of the fourth respondent. He need not be heard before any order is passed in this Writ Petition. His name may also be deleted by the Registry, before issuing the order copy.

3. The petitioner claims that the petitioner had been paying taxes from the year 2012 onwards but the fourth respondent / President, R.T.Malai Panchayat, Thogaimalai, Kulithalai Taluk, Karur, has not issued the tax receipts.

4. I am not able to comprehend that assertion since when a property tax is paid, the first aspect which the individual who pays the tax would ask for, is the tax receipt. It is quite surprising that the petitioner has been paying taxes for several years without insisting on the tax receipt being given to him.

5. The fourth respondent is directed to examine the records. The petitioner may give the details on the dates on which taxes has been paid.

6. It is also contended by the learned Special Government Pleader that there are rival claims.

7. All those aspects will have to be examined by the fourth respondent since on the basis of tax receipts, title should not be claimed as a matter of right.

8. If the entire issue is on title, then it is the civil Court which can decide all these aspects. A direction is placed on the fourth respondent in her official capacity to enquire into the entire issue and pass orders on the representation given by the petitioner herein dated 06.04.2022. The said representation may be disposed of within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar()

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

RM

To

1.The District Collector
District Collector Office,
Karur District.

2.The Union Commissioner for Rural Development,
Office of Rural Development,
Thogaimalai,
Kulithalai Taluk,
Karur.

3.The Block Development Officer
Village Panchayat Union,
Thogaimalai,
Kulithalai Taluk,
Karur.

4.The President
R.T. Malai Panchayat,
Thogaimalai,
Kulithalai Taluk,
Karur.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-28383[F] dated 15/06/2023)

W.P(MD)No.13762 of 2023
13.06.2023

MK/10.07.2023 3P 6C