



W.P(MD)No.22580 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.22580 of 2022

M.S.Dijo Daniel

... Petitioner

Vs.

1.The District Collector
Kanyakumari District
at Nagercoil.

2.The Executive Officer
Verkilambi Town Panchayat,
Kanyakumari District.

3.Beula Sudha Bai

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to assess the house tax and give door numbers to the newly constructed building of the petitioner situated in Re.Sy. No.258/7, 258/8 of Kumarunkudi Village by considering petitioner's representation, dated 26.08.2022.



W.P(MD)No.22580 of 2022

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.J.Ashok - for R1
Additional Government Pleader

Mr.G.Sivaraja - for R2
Government Advocate

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction to the second respondent Executive Officer, Verkilambi Town Panchayat, Kanyakumari District, to assess the house tax and provide a door number to the newly constructed building of the petitioner at resurvey Nos.258/7 and 258/8 at Kumarankudi Village. The petitioner had given a representation on 26.08.2022.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner herein had put up a building in aforementioned resurvey Nos.258/7 and 258/8 at Kumaraunkudi Vilalge. He derived title for the property by virtue of a sale deed, dated



W.P(MD)No.22580 of 2022

10.01.2019 executed by his paternal uncle. He claims to be in possession of the property. He had also mutated his name in the revenue records. He had commenced construction but however, at that time, he had not obtained necessary permission from the second respondent. He completed the construction. There was also an objection raised by the third respondent. Subsequently, and quite prudently the petitioner had regularized the construction, obtained necessary approval and had also compromised the issues with the third respondent. Having completed the construction the petitioner has sent a representation calling upon the second respondent to assess the construction made and to levy property tax and to collect the tax and incidentally to also give door numbers to the property. A representation in this regard had been given by the petitioner herein.

4. The learned Additional Government Pleader, however, stated that an inspection has to be done to verify whether the construction has been made in accordance with the plan submitted for approval. That is the prerogative of the second respondent who can always undertake that particular exercise.



W.P(MD)No.22580 of 2022

WEB COPY

5. A Mandamus is issued that after following Rules and Guidelines and necessary regulations, the second respondent may inspect the building, assess the building for property tax, determine the tax payable by the petitioner herein, determine the period from which the petitioner should pay the tax and also assign door numbers for the construction portion of the petitioner herein. The second respondent may put the petitioner on notice before conducting such inspection and the petitioner may also co-operate with the second respondent during the inspection process. The aforementioned exercise by the second respondent is to be completed on or before 31.03.2023 and the assessment made by the second respondent should be paid by the petitioner on or before 31.03.2023 for this financial year.

6. With the said observations, the writ petition stands disposed of. No costs.

08.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
rm



WEB COPY



W.P(MD)No.22580 of 2022

To

- 1.The District Collector
Kanyakumari District
at Nagercoil.
- 2.The Executive Officer
Verkilambi Town Panchayat,
Kanyakumari District.



WEB COPY



W.P(MD)No.22580 of 2022

C.V.KARTHIKEYAN, J.

rm

W.P(MD)No.22580 of 2022

08.03.2023