



W.P.(MD)No.20689 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.20689 of 2023

1. A.Sarasu
2. Periyannayagi. G
3. Vijaya. K

... Petitioners

Vs

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
- 2.The Block Development Officer (V.P)  
Devakottai Panchayat Union,  
Sivagangai District.
- 3.The President,  
Thirumanavayal Village Panchayat,  
Sivagangai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, direct the respondent No.3 to consider the petitioner's representation dated 26.07.2023 and according to the Inam Settlement Deed No.3229/2023



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registered before the Sub Registration Office, Devakottai, accept the house tax payment from the petitioners and issue a house tax receipt in their name.

For Petitioner : Mr.P.Aju Tagore  
For R1 & R3 : Mr.D.Farjana Ghoushia  
Special Government Pleader  
For R2 : Mr.D.Gandhiraj  
Special Government Pleader

### **ORDER**

The petitioners claim that with regard to the land in S.No. 451/1A to an extent of 11 cents in D.No.2/408, 2/417, there was a dispute between the petitioner's mother one Silayammai and the petitioners' brother's wife one Kanimozhi. This petitioners' mother has filed a suit before the District Munsif Court, Devakottai as against the said Kanimozhi and obtained a decree in O.S.No.82 of 2009 on 30.09.2013. Since Kanimozhi has not preferred any appeal, this decree becomes final. The petitioners' mother has also executed a settlement deed for the subject property in favour of the petitioners on 11.07.2023, based on which, the petitioners have approached the third respondent



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for change of house tax receipts from the name of Silaiyammai to the petitioners' name, for the purpose of changing the electricity service connection in their name. However, the third respondent has not considered this representation of the petitioners dated 26.07.2023, on the objections raised by the said Kanimozhi.

2.The learned counsel appearing for the petitioner claims that they have also produced the decree passed by the competent civil court with regard to the subject property in O.S.No.82 of 2009. Even thereafter, the respondents have not taken any decision so far. The learned counsel has also relied on the house tax receipts and water tax receipts issued in favour of the petitioner's mother Silaiyammai on 08.03.2023.

3.The petitioners have approached this Court with a grievance that their representation dated 26.07.2023 has not been considered by the third respondent based on an objection of one



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Kanomozhi, the petitioner's brother's wife. The said Kanimozhi is not added as a party to this writ petition. However, the petitioner claims that the dispute with the said Kanimozhi was already decided by a competent civil Court in O.S.No.82 of 2009. It is stated that the application was made along with this decree copy. If so, the third respondent shall conduct an enquiry, provide an opportunity to the objector Kanimozhi, by providing the documents relied on by the petitioners and if necessary a legal opinion shall also be obtained and thereafter take a decision on the petitioner's application. Let this exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

**25.08.2023**  
(2/2)

NCC : Yes / No.  
Index : Yes / No.  
Internet : Yes / No.  
vrn



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To

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**B.PUGALENDHI, J.**

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**25.08.2023**  
**(2/2)**