



WP(MD)No.22626 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.22626 of 2016

P.Sankaran

... Petitioner

v.

1.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

2.The Village Administrative Officer,
8, Theivaseyalpuram Village,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to collect the arrears of Land Tax from the petitioner for his agricultural land to an extent of 9.52.0 Hectares and 5.66.0 Hectares comprised in S.Nos.4 & 5 situated in Theivaseyalpuram, Thoothukudi District, stands in Patta No.31, within a stipulated time limit, by considering the representation of the petitioner dated 06.10.2016.



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For Petitioner : Mr.K.Sankar

For Respondents : Mr.M.Siddhardhan,
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus directing the respondents to collect the land tax from this petitioner for the land in S.Nos.4 & 5 in Theivaseyalpuram, Thoothukudi District.

2.The petitioner claims that he is the owner of the subject property and he is prepared to pay the necessary house tax, but on the objections raised by some third parties, the respondents are not assessing the tax.

3.Learned Additional Government Pleader, on instructions, submitted that there are so many litigations pending with regard to the ownership of the subject property and criminal cases are also pending. Several people are claiming title over the property and suppressing all these materials, the petitioner has filed this writ petition.



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4.This Court considered the rival submissions made on either side and perused the available materials.

5.Though the learned Additional Government Pleader submitted that there are several proceedings pending as against the subject property, he is not in a position to provide the details with regard to those cases, excepting the case registered in Crime No.11 of 2012.

6.Mere pendency of a criminal case is not a bar for the authorities to assess tax. Under such circumstances and also considering the nature of relief sought for, this writ petition is disposed of with a direction to the petitioner to submit a fresh representation along with documents to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, after providing due opportunity of hearing to the parties concerned, within a further period of eight weeks therefrom.



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B.PUGALENDHI, J.

gk

There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
gk

16.06.2023

To

- 1.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.
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8, Theivaseyalpuram Village,
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