



W.P.(MD)No.26268 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.26268 of 2023

and

W.M.P.(MD)No.22613 of 2023

Viswanathan

... Petitioner

versus

1. The District Collector,
O/o. The District Collector,
Tenkasi District.

2. The President,
Village Panchayat
Kadayam Union Block,
Kadayam,
Tenkasi District.

3. The Block Development Officer,
O/o. The Block Development Officer,
Kadayam Union Block,
Tenkasi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Mandamus, to direct the respondent
No.2 to issue the property tax receipt in petitioner's name for the



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property situated at Cheranmahadevi Register District, Kadayam Sub Register office range, South Kadayam Village, East Car Street, Natham Old S.Nos.257 to 264, New S.Nos.551/20, 551/22, 551/24, old D.Nos. 5/235, 5/236, 5/240, 5/242, 5/243 New D.Nos.5/309, 5/310, 5/314, 5/315, 5/316 respectively by considering the petitioner's representation dated 13.10.2023.

For Petitioner : Mr.N.Sekar
For R1 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R2 and R3 : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

The petitioner, with a grievance that the 2nd respondent has not changed the property tax receipt in his name, has filed this writ petition for a Mandamus directing the 2nd respondent to issue the property tax receipt in his name for the property in Old S.Nos.257 to 264, New S.Nos.551/20, 551/22, 551/24, old D.Nos.5/235, 5/236, 5/240, 5/242, 5/243 New D.Nos.5/309, 5/310, 5/314, 5/315, 5/316 respectively, situated at East Car Street, South Kadayam Village, Cheranmahadevi, Thenkasi District.



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2. The learned counsel appearing for the petitioner submits that the petitioner had purchased the property from one Madasamy through his Power Agent, namely, Maruraya @ Maruthapillai, in the year 2012 and the sale deed has also been registered vide a document No. 2882/12. Subsequently, patta was also transferred in the petitioner's name. Thereafter, the petitioner has applied for changing the property receipt in his name. But, the respondents have not acted upon it by referring to the pendency of civil suit which was filed on the subject property in O.S.No.23 of 2015 before the Sub Court, Ambasamudiram. Now, the said suit was dismissed by the Sub Court, Ambasamudiram, on 31.08.2023. Therefore, the petitioner, along with the Judgment and Decree dated 31.08.2023 passed in O.S.No.23 of 2015, has submitted a fresh representation dated 13.10.2023 to the 2nd respondent requesting him to change the property tax receipt in his name. Even thereafter, the 2nd respondent has not acted upon it. Therefore, the petitioner has filed this writ petition.



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4. This Court considered the rival submissions made and perused the materials on record.

5. Admittedly, a civil suit was filed on the subject property in



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O.S.No.23 of 2015 before the Sub Court, Ambasamudiram and the same was dismissed by Judgment and Decree dated 31.08.2023. The petitioner, though claimed that the suit in O.S.No.23 of 2015 was dismissed on 31.08.2023, has not impleaded the plaintiff in O.S.No.23 of 2015. Further, it is not known as to whether the plaintiff has filed any appeal suit as against the Judgment and Decree dated 31.08.2023 passed in O.S.No.23 of 2015.

6. In view of the present position that the suit in O.S.No.23 of 2015 was dismissed by Judgment and Decree dated 31.08.2023, the 2nd respondent shall consider the petitioner's representation dated 13.10.2023 afresh, in the light of the Judgment and Decree dated 31.08.2023 passed in O.S.No.23 of 2015 and pass orders, after providing an opportunity of hearing to the plaintiff in O.S.No.23 of 2015, as expeditiously as possible. If the the plaintiff in O.S.No.23 of 2015 is not in a position to get any interim order as against the Judgment and Decree dated 31.08.2023 passed in O.S.No.23 of 2015,



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the 2nd respondent shall issue the property tax receipt in the name of the petitioner, after obtaining necessary legal opinion on the documents referred by the petitioner.

7. Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

02.11.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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O/o. The District Collector,
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2. The President,
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Kadayam Union Block,
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3. The Block Development Officer,
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B.PUGALENDHI, J.

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