



W.P(MD)No.30304 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.30304 of 2023 and
WMP(MD) No.26108 of 2023

The Rayavaram Village Panchayat,
Represented by its President,
N.Kalaiselvi @ Meena

... Petitioner

Vs

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Assistant Director(Village Panchayats),
Pudukkottai,
Pudukkottai District.
- 3.The Block Development Officer,
Arimalam Union,
Pudukkottai,
Pudukkottai District.
- 4.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
- 5.The Village President,
Senkirai Village Panchayat,



W.P(MD)No.30304 of 2023

Arimalam Union,
Pudukkottai District.

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6.The Subramaniam Poly Technique College,
Rep by its Principal,
Rayaregunathasamuthiram,
Rayavaram Village Panchayat,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the first respondent to implement the order passed by this Court in WP(MD) No.12069 of 2022, dated 12.07.2022 by way of considering the petitioner's representation dated 15.05.2023 and to receive the tax from the sixth respondent.

For Petitioner : Mr.R.Jegadeeswaran
For R1, R2 & R4 : Mr.G.V.Vairram Santhosh
Additional Government Pleader
For R3 : Mr.D.Sadiq Raja

ORDER

The petitioner is a President of Rayavaram Panchayat, Pudukkottai District. The case of the petitioner is that Subramaniam Poly Technique College, Rayavaram Village, Pudukkottai/the sixth respondent herein situated within the jurisdiction of Rayavaram Panchayat and therefore, the petitioner is entitled to collect the



W.P(MD)No.30304 of 2023

property tax from the sixth respondent. However, the President of Senkirai Village/the fifth respondent herein claims that he is entitled to collect the property tax from the sixth respondent on the ground that a portion of the premises of the six respondent College is situated within the jurisdiction of the fifth respondent Panchayat.

2. With regard to this issue, the President of Senkirai Village has already filed a writ petition in WP(MD) No.13834 of 2020 and this Court, by order dated 07.01.2021 has passed the following order.

2. This is a territorial dispute between the two village Panchayats namely, the petitioner and the fifth respondent. The issue is within whose jurisdictional limits, Survey No.259/9 falls. In this regard, the enquiry appears to have been already conducted and the second respondent has also issued some proceedings. But then, it is the District Collector who must pass the final order. The District Collector, is therefore, directed to pass final orders in the matter within a period of eight weeks from the date of receipt of a copy of this order.



W.P(MD)No.30304 of 2023

3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

3.Despite the order of this Court, the respondents have not taken any steps to decide this issue whether the sixth respondent Institution will fall within the jurisdiction of the petitioner's Panchayat or within the jurisdiction of the fifth respondent Panchayat.

4.This Court has also issued a direction to conduct an enquiry and finalise the dispute within a period of eight weeks. In order to ascertain the steps taken by the respondents in compliance of the earlier orders in WP(MD) No.13834 of 2020, dated 07.01.2021, this Court directed the Assistant Director (Village Panchayat) to appear before this Court with an explanation as to the steps taken by them in pursuant to the earlier order of this Court. The Assistant Director (Village Panchayat), Pudukkottai is present



W.P(MD)No.30304 of 2023

before this Court and submits that the enquiry has already been concluded and they have finalized the issue that the sixth respondent Institution comes under the petitioner's Panchayat alone and the petitioner is entitled to collect the taxes from the sixth respondent Institution. However, an order has to be passed in this regard. The officer who is present before this Court also submits that the order would be passed within one week.

5.Recording the submission made by the Assistant Director (Village Panchayat), Pudukkottai, this writ petition is closed with a direction to the respondents to pass orders and communicate the same to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

21.12.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes.

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W.P(MD)No.30304 of 2023

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B.PUGALENDHI, J.

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