



W.P.No.22274 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.22274 of 2022
and
W.M.P.Nos.21307 & 21309 of 2022

- 1.Blessyl I.G.
- 2.Deissyl I.
- 3.Immanuel Packiadhas

... Petitioners

Vs.

- 1.The District Collector,
Karuppa Gaundanpalayam,
Tirupur District.
- 2.The Additional Director of Panchayats,
District Collector Office,
Karuppa Gaundanpalayam,
Tirupur District.
- 3.The Deputy Director of Panchayats,
District Collector Office,
Karuppa Gaundanpalayam,
Tirupur District



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4.The Tahsildar,
Kuttai Thidal,
Udumalaipettai,
Tirupur District.

5.Special Deputy Tahsildar,
Social Security Scheme,
Kuttai Thidal,
Udumalaipettai,
Tirupur District.

6.The Block Development Officer,
Udumalaipettai,
Tirupur District.

7.Bodipatti Village Panchayat President,
Udumalaipettai,
Tirupur District,
Rep by its Executive Authority cum President.

8.Zonal Deputy Development Officer,
Zone-2, Tiruppur.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 6th respondent relating to the impugned order in the reply note in Na.Ka.No.434/2022/A3 dated 22.04.2022 quash the same and consequently direct the 6th and 7th respondents to access the building of



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the petitioner in Site.No.7, Sakthi Nagar, S.F.49/C, Bodipatti Village to tax.

For Petitioner : Mr.A.Ramkumar

For Respondent : Mr.P.Balathandayutham,
Special Government Pleader,
for R1 to R5

Mr.P.Sanjay Gandhi, for R6 & R7

ORDER

This writ petition has been filed challenging the impugned order dated 22.04.2022 and to direct the 6th and 7th respondents to access the building of the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner has obtained an approval for construction of residential building from the 7th respondent. After construction of the said residential building, the petitioners made an application to the 6th respondent seeking for determination of property tax of the subject property. However, no action was taken in this regard. Under these circumstances, the



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petitioners received a reply note dated 22.04.2022 from the 6th respondent, wherein it has been stated that the petitioner's property is in encroachment. Thereafter, on 10.05.2022, petitioners made a representation to the 6th respondent explaining that there is no such encroachment since the construction was done as per the planning permission. However, till date, the respondents had neither considered the representation made by the petitioner nor determined property tax for the subject property. Hence, this petition has been filed.

4. In reply, by referring the counter, the learned counsel appearing for the respondents 6 and 7 would submit that as per the approved planning permission, the petitioners' property is in encroachment of village road to an extent of 6.8 meters. However, the petitioners had made an application by insisting the 6th respondent to determine the property tax for the subject property including the encroached area of 6.8 meters.



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5. Further, he would submit that the 6th respondent is not inclined to determine the property tax for the encroached portion and also he would submit that they will determine the property tax as per the planning permission. Hence, he requested this Court to pass appropriate orders.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents and also perused the materials available on record.

7. In the present case, the dispute is as to whether the planning permission includes the construction made by the petitioner in a particular portion to an extent of 6.8 meters, since according to the 6th respondent, the said portion of 6.8 meters is an encroached area and hence, they are not inclined to determine the property tax for the same.

8. Considering the above submissions and since the dispute is with regard to the determination of property tax, this Court is inclined to pass



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the following order:-

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(i) The petitioners are directed to make a representation to the 6th respondent, along with proofs and relevant documents, to prove their ownership of the subject property, including 6.8 meters of disputed area.

(ii) The 6th respondent is directed to consider the representation and all the relevant documents filed by the petitioners and determine the property tax within a period of 8 weeks from the date of receipt of the aforesaid representation filed by the petitioners.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

07.08.2024

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

6/8



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