IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22859 of 2021 and
WMP.No.24070 of 2021

S.Selvi @ Sharon ... Petitioner

Vs.

1.The Chief Executive Officer,
St.Thomas Mount cum Pallavaram,
Cantonment Board,
St.Thomas Mount,
Chennai 600 016
2.E.Janakiraman ... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the first respondent to pass a considered order on the application given by the petitioner dated 14.09.2021 and as a consequential relief directing the first respondent to delete or cancel the wrong entry made in the property tax in favour of second respondent pertaining to survey no.28, S.No.1946/1 Part, bearing D.No.92/62, Mangaliamman Koil Street, St.Thomas Mount Village, Alandur Taluk, Kancheepuram District measuring an extent of 2070 sq.ft.

For Petitioner : Mr.T.Ramachandran

For Respondents
For R1 : Mr.C.Mohan
for M/s.King & Partridge

ORDER

This writ petition has been filed for direction to the first respondent to consider and pass orders on the application submitted by the petitioner dated 14.09.2021 seeking to delete or cancel the wrong entry made in the property tax receipts in favour of the second respondent in respect of the property comprised in survey no.28, S.No.1946/1 Part bearing door No.92/62, Mangaliamman Koil Street, St.Thomas Mount Village, Alandur, Kancheepuram District to an extent of 2070 sq.ft.

2. The petitioner and the second respondent are brother and sister. Their father owned property comprised in survey no.28, S.No.1946/1 Part bearing door No.92/62, Mangaliamman Koil Street, St.Thomas Mount Village, Alandur, Kancheepuram District. While he was alive, he had executed settlement deed in favour of the petitioner in respect of the entire property by the registered settlement deed dated 09.12.2004 vide document No.1895 of 2004. Even then, property tax was assessed in the name of the second respondent. The settlor is also no more. Even after the settlement deed, the second respondent is in possession and enjoyment of the 50% of the property approximately 1000 sq.ft. Therefore, the petitioner was constrained to file suit for recovery of possession on the strength of the settlement deed in OS.No.495 of 2014 on the file of the District Munsif Court, Alandur for recovery of possession in respect of the portion in which the second respondent is in occupation. The second respondent also filed suit in OS.No.421 of 2014 for bare injunction. In the suit filed by the second respondent, he filed property tax receipts issued by the first respondent

for the entire property situated at Door No.4/92-42-2A in his name. Therefore, the petitioner submitted representation to delete or cancel the wrong entry made in the name of the second respondent in the property tax receipt for the subject property. Now, the suit filed by the petitioner is also decreed in her favour by the judgment and decree dated 22.04.2024. Similar representation was made by the petitioner for issuance of water connection in her name. In the said application, enquiry was conducted and concluded by the first respondent that no water connection can be given to the second respondent. Further, the door number mentioned in the settlement deed provided by the petitioner is not tallied with the revenue records and the petitioner was directed to rectify the same by rectification deed.

3. Admittedly, as per the settlement deed, the entire property was settled in favour of the petitioner by her father. Therefore though door No. in the settlement deed was wrongly mentioned, the survey number and other details are tallied with revenue records. Therefore, the first respondent is directed to pass orders on the application submitted by

the petitioner dated 14.09.2021 after issuing notice to the petitioner and the second respondent and after giving opportunity of hearing as observed by this Court supra within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to produce all relevant documents including judgment and decree passed in her favour before the first respondent during the enquiry.

4. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.10.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok

To
The Chief Executive Officer,
St.Thomas Mount cum Pallavaram,
Cantonment Board,
St.Thomas Mount,
Chennai 600 016

G.K.ILANTHIRAIYAN, J.

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W.P.No.22859 of 2021

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