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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.10785 of 2024

C.Dhanapalan ... Petitioner

Vs.

1.The District Collector,
Kannyakumari District.

2.The Executive Officer,
Manavalakurichi Town Panchayat,
Nagarkovil Zone,
Kannayakumari District. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the second respondent to permit the petitioner to pay the property tax for the petitioner's house property at Door No.9/65D-1, Andarvilai Street, Manavalakurichi Post, Kanniyakumari District-629 252 in pursuance of the representation dated 20.09.2023.

For Petitioner : Ms.Sharmila Banu

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

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O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the second respondent to permit the petitioner to pay the property tax for the petitioner's house property at Door No.9/65D-1, Andarvilai Street, Manavalakurichi Post, Kanniyakumari District-629 252 in pursuance of the representation dated 20.09.2023.

2. It is the case of the petitioner that the petitioner has been paying property tax from 2001 to 2016. However, from 2016, the second respondent has refused to receive the property tax.

3. On the other hand, the learned Special Government Pleader for the respondents would submit that the petitioner was called upon to furnish following documents:-

i. Copy of the ownership deed for the house.
ii. Copy of the land tax receipt.
iii. Copy of the patta.
iv. Copy of the encumbrance certificate.
v. Copy of the property tax receipt received from the Panchayat.

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4. It is submitted that above documents have not been filed by the petitioner till date. That apart, it is submitted that one Sankar who claims to have purchased the property, produced a copy of the Document No. 1160 registered on 07.08.2020 claiming that the property in question belongs to him.

5. The matter relates to disputed questions of fact and therefore, the question of directing the respondents to permit the petitioner to pay property tax, particularly without impleading the said Sankar who claims to be the owner of the subject property, cannot be entertained. Be that as it may, the petitioner may file suit for declaration and thereafter approach the respondents for paying the property tax.

6. Accordingly, this Writ Petition stands disposed of with the above observations. No costs.

10.07.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

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C.SARAVANAN, J.

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