



W.P.(MD) No.10869 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On	05.06.2024
Pronounced On	07.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.10869 of 2024

Kumaravel, S/o.Radhakrishnan

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Assistant Director of Panchayats,
Trichy District,
Trichy.

3.The Block Development Officer,
Uppiliyapuram Panchayat Union,
Thuraiyur Taluk,
Trichy.

4.The President,
T.Murungapatti Panchayat,
Thuraiyur Taluk,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue house



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and water tax receipts with respect to the petitioner's dwelling house bearing Door No.2/532 in S.No.348/3, situated at T.Murungapatti Village, Thuraiyur Taluk, Trichy District, within a stipulated time as fixed by this Court.

For Petitioner : Mr.V.G.Chezhiyan
For R1 & R2 : Mrs.S.Jeyapriya
Government Advocate
For R3 and R4 : Mr.Muthuvijayan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to issue house and water tax receipts with respect to the petitioner's dwelling house bearing Door No. 2/532 in S.No.348/3, situated at T.Murungapatti Village, Thuraiyur Taluk, Trichy District.

2. The petitioner's property bearing Door No.2/532 in S.No.348/3, situated at T.Murungapatti Village, Thuraiyur Taluk, Trichy District, has been mentioned in the revenue records as Natham Poramboke. From the year 1981 onwards, the petitioner and his grandparents are in continuous possession and enjoyment of the above said property.



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3. According to the petitioner, for the last year *i.e.*, 2023-2024, the fourth respondent has issued house tax and water tax receipts in respect of the subject property to him. When the petitioner approached the fourth respondent to pay the house tax and water tax for the year 2024-2025, the fourth respondent refused to receive the same stating that the last year tax details were not uploaded in online. Hence, the petitioner sent a detailed representation dated 03.04.2024 to the respondents 2 and 3, seeking to issue house tax and water tax receipts to him. However, the respondents 2 and 3 have not come forward to take action on the representation of the petitioner. Finally, on 07.04.2024, the petitioner has sent a representation to the first respondent. Thereafter, no response was forthcoming from the respondents. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

4. The petitioner claims that his family has been living on the subject land for over a period of 30 years. In this connection, the learned counsel for the petitioner has drawn the attention to the report of the Village Panchayat President in his proceedings, dated 25.07.2001, which is extracted as under:-



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தீயமான நகல

உயிரினவியலுக்கும் ஊராட்சி ஒன்றிப்பம் — சி. குமாரசாமி. — ஊராட்சி மற்றும்
2001-ம் ஆண்டு ஜூன் மாதம் 25-ம் தேதி காலை 3-00 மணிக்கு
புதுவை ஊராட்சிமன்ற சபைமன்றத்தில் சி.குமாரசாமி உட்படத்தான் நடவடிக்கைகள்
யருமை தி. — சி. குமாரசாமி — தாமதம் உட்பட 12-ம் உறுப்பினர்கள்

[illegible]

(உணர்வு எழுத்து)

இடம் :

செய்தி :

5/20/21
5/20/21

கருணாக வரலாட்டி
கருணாட்சி மன்றம்

5. The learned counsel for the petitioner submits that the petitioner's house is located 10 feet away from the compound wall of the School and that the petitioner's family has been in possession of the property all along. The learned counsel for the petitioner has also drawn the attention to Page No.12 of the Typed Set of Papers, indicating the receipts were



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also issued by the Village Panchayat for water charges and collected on

01.04.2023.

6. The learned Special Government Pleader for the respondents 3 and 4, on the other hand, would submit that the petitioner had applied for Patta before the jurisdictional Tahshildar and the Tahsildar in his proceedings dated 17.03.2023, bearing Reference No.Na.Ka.A6/11296/2022, rejected the request of the petitioner after the direction of this Court in W.P.(MD)No.24137 of 2022, dated 04.11.2022.

7. It is submitted that the attempt of the petitioner to coerce the Tahsildar to issue Patta in favour of the petitioner by initiating Contempt Petition in Cont.P.(MD)No.699 of 2023 was also failed, as the said Contempt Petition was rejected by this Court on 13.06.2023. It is submitted that the petitioner cannot expect to issue house tax and water tax receipts for the property, as the land in question is a Government Poramboke land meant for the School to be used as a playground. It is therefore, submitted that the Writ Petition is liable to be dismissed.



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8. Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 and 2 and the learned Special Government Pleader for the respondents 3 and 4 and perused the materials on record.

9. As long as the house exists, the respondents are duty bound to provide water connection and collect property tax from the petitioner. However, it would not preclude the respondents to evict the petitioner in the manner known to law, if the land was encroached by the petitioner. By not collecting tax and other charges, the respondent is depriving the revenue to the local body and serves neither the cause of the respondents or the petitioner.

10. This Writ Petition is disposed of with the above observation.

No costs.

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

07.06.2024

To

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Trichy District,
Trichy.



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C.SARAVANAN, J.

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