



WEB COPY

W.P.(MD)No.18357 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.18357 of 2024

Balamurugan

...Petitioner

-Vs-

1.The District Collector,
Office of Collectorate,
Thoothukudi District.

2.The Director of Village Panchayat,
Thoothukudi,
Thoothukudi District.

3.The President,
Vembur Village Panchayat,
Vembur Village,
Vilathikulam Taluk,
Thoothukudi District.

4.R.P.Subramanian

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated 09.07.2024 issued by the 3rd respondent and quash the same as illegal and arbitrary and consequently directing the 3rd respondent to assess the petitioner's house property for house tax on the basis of the document produced by the petitioner.



WEB COPY

W.P.(MD)No.18357 of 2



For Petitioner : Mr.B.Pravin Kumar
For Respondents : Mr.D.Gandhi Raj
Special Government Pleader
for RR1 & 2
Mr.F.X.Eugene for R4

ORDER

This writ petition has been filed challenging an order passed by the third respondent dated 09.07.2024, thereby rejected the request made by the petitioner to assess the house property for the house tax on the basis of the sale deed produced by the petitioner.

2.The petitioner had purchased the property comprised in survey No. 208/2A1A1A1A to an extent of 462 sq.ft situated at Vembur village, Vilathikulam Taluk, Thoothukudi District from one Jermipal Anthonya Demel, who is the general power agent of one Jayachandran by the registered sale deed dated 01.03.2024, vide document No.659 of 2024. Since the documents contained some mistakes in the property description of the property, subsequently, the rectification deed was registered by the petitioner vide document No.659 of 2024 dated 01.03.2024. The petitioner has constructed the house and there are no objections from anyone. Thereafter, the petitioner has submitted a document seeking assessment of his property for house tax before the third respondent. However, the third respondent rejected the request made



by the petitioner on the ground that the fourth respondent has also claimed the same subject property.

WEB COPY

3.On instructions, the learned Special Government Pleader appearing for the first and second respondent submits that the fourth respondent had purchased the subject property even prior to the petitioner from the original owner namely one Jeyachandran by the registered sale deed. Subsequently, the petitioner had purchased the very same subject property through the power holder of one Jeyachandran.

4.The learned Counsel for the fourth respondents submits that even prior to the petitioner purchased, the fourth respondent had purchased the subject property since the power holder has no power to deal with the subject property. The power was given for some other properties and wrongly executed the sale deed in respect of the subject property. In this regard, the fourth respondent has also filed a suit and it is pending for adjudication before the Civil Court.

5.In view of the above, the third respondent has rightly rejected the request made by the petitioner, since there is a title dispute between the petitioner and the fourth respondent.



6.In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent and this writ petition is devoid of merits and is liable to be dismissed.

7.Accordingly, this writ petition stands dismissed. No costs. However, the petitioner is directed to make a fresh request, subject to the result of the civil suit in respect of the subject property.

29.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1.The District Collector,
Office of Collectorate,
Thoothukudi District.

2.The Director of Village Panchayat,
Thoothukudi,
Thoothukudi District.



WEB COPY

W.P.(MD)No.18357 of 2024



G.K.ILANTHIRAIYAN. J,

RJR

W.P.(MD)No.18357 of 2024

29.11.2024