



W.A.(MD).Nos.1455 and 1456 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD).Nos.1455 and 1456 of 2015
and
M.P.(MD).Nos.3 and 3 of 2015

W.A.(MD).No.1455 of 2015

D.Sebasthiyan

... Appellant

Vs.

1.Mariya Rayappan Suresh

2.The Executive Officer,
Aralvoimozhi Town Panchayat,
Aralvaimozhi Post,
Kanyakumari District.

... Respondents

Prayer: Writ Appal is filed under Clause 15 of Letters Paten, against the order of this Court dated 22.07.2015 in W.P.(MD).No.12540 of 2015

For Appellant	: Mr.K.Appadurai
For R1	: Mr.D.Srinivasa Raghavan
For R2	: Mr.A.K.Manikkam
	Additional Government Pleader



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D.Sebasthiyan

... Appellant

Vs.

1.Mariya Jesurajan

2.The Executive Officer,
Aralvoimozhi Town Panchayat,
Aralvaimozhi Post,
Kanyakumari District.

... Respondents

Prayer: Writ Appal is filed under Clause 15 of Letters Paten, against the order of this Court dated 22.07.2015 in W.P.(MD).No.12541 of 2015

For Appellant	: Mr.K.Appadurai
For R1	: Mr.D.Srinivasa Raghavan
For R2	: Mr.A.K.Manikkam
	Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

These writ appeals have been filed against the order of this Court dated 22.07.2015 in W.P.(MD).Nos.12540 and 12541 of 2015.

2. Since the issue involved in these writ appeals is one and the same, they have been taken up together and disposed of by this common judgment.



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3. The first respondent in both the appeals are the writ petitioners.

The said writ petitions have been filed for a direction to the respondent to assess and levy property tax for the petitioners' houses constructed in New Survey No.216/3 in Aralvoimozhi Village, Thovalai Taluk, Kanyakumari District, as per the building plan approval Roll No.99/2012-2013 dated 07.08.2012 and Roll No.159/2012-2013, dated 04.12.2012, based on the petitioners' representation dated 09.04.2015. The learned single Judge of this Court, by common order dated 22.07.2015, disposed of these writ petitions, directing the respondent to consider the representations of the petitioners dated 09.04.2015, on merits and in accordance with law, and pass appropriate orders, after giving opportunity to the petitioners, within a period of six weeks from the date of receipt of a copy of this order. Challenging the same, the present writ appeals have been filed by the third party appellants.

4. The learned counsel appearing for the appellant would submit that suppressing the pendency of the civil suits in O.S.Nos.15 of 2014 and 21 of 2014 filed before the District Munsif cum Judicial Magistrate Court, Boothapandi in respect of the land in Re-Survey No.213/17 against the writ petitioners, the writ petitions have been filed before this Court and obtained an order on 22.07.2015. Further, the writ petitioners have got building plan



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approval on 07.08.2012 and 04.12.2012 respectively, suppressing the area of Re-Survey No.213/17 and build the houses against the Rules and Regulations of the construction.

5. Heard the learned counsel for the appellant, learned counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent.

6. Considering the above said submissions, we direct the second respondent to consider the writ petitioners' representation dated 09.04.2015 and pass appropriate orders, on merits and in accordance with law, after affording opportunity to the appellant as well as the writ petitioners, within a period of sixteen weeks from the date of receipt of a copy of this order.

7. In the result, these Writ Appeals are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

[V.B.S.,J.] [K.K.R.K.,J.]
12.03.2024

akv



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To
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and

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