



W.P.(MD)No.26754 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26754 of 2024

G.Vimala

... Petitioner

Vs.

Valvacha Gostam Town Panchayat,
Rep. By its Executive Officer,
Kunnamparai, Kattathurai post,
Kanyakumari District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to issue a House Tax receipt based on the building plan approval issued by them in approval No.111/2021, dated 24.02.2021 and representation made by the petitioner, dated 26.10.2024.

For Petitioner	: Mr.R.M.Arun Swaminathan
For Respondent	: Mr.T.Amjad Khan Government Advocate

ORDER

Mr.T.Amjad Khan, learned Government Advocate takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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2.The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the respondent to issue a House Tax receipt based on the building plan approval issued by them in approval No.111/2021, dated 24.02.2021 and representation made by the petitioner, dated 26.10.2024.”

3.The petitioner purchased the property in Survey No.225/2 of Valvacha Gostam Village, vide sale deed No.352/2011 dated 17.08.2011, of Palliyadi Sub Registrar Office, Kanyakumari District and she also effected mutation to the said property. The petitioner made an application to the respondent Panchayat, seeking building plan permission for construction of G+1 building in licence No.111, dated 24.02.2021, for a period of five years. However, contravening to the approved plan, the petitioner constructed a shop in ground floor and a residential house in the 1st floor. Subsequently, she applied a revised building plan for construction of second floor to the respondent. During the pendency of the application, the petitioner made further construction in the second floor as well. In the meanwhile, one Jeyasingh, S/o.Balayan, through his mother, P.Vasanthi filed a Writ Petition in W.P.(MD)No.7421 of 2021 before this Court against the construction made by the petitioner in the second floor. This Court was pleased to pass an order on 13.03.2024, directing the Executive Officer of Valvacha Gostam Town Panchayat to take necessary action to remove unauthorized construction put up by the petitioner, after providing opportunity to the petitioner.



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Pursuant to the same, the respondent had demolished the construction in the second floor, to which permission application was pending with the respondent. Thereafter, the petitioner made a representation to the respondent, for issuance of house tax receipt on 26.10.2024, pertaining to the available construction, that is, G+1 in terms of building in licence No.111, dated 24.02.2021. However, the same was not issued. Hence, the Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondent and carefully perused the entire materials available on record.

5.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.Considering the limited scope of relief sought for, this Court hereby direct the respondent to consider the petitioner's representation



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dated 26.10.2024 and forthwith issue house tax receipt, based on the building plan approval issued by them in approval No.111/2021, dated 24.02.2021.

7.With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

The Executive Officer,
Valvacha Gostam Town Panchayat,
Kunnamparai, Kattathurai post,
Kanyakumari District.



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L.VICTORIA GOWRI, J.

Mrn

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