BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.28138 of 2024

Ayyanar .. Petitioner

Vs.

1.The District Collector,
District Collectorate Campus,
Virudhunagar District,
Virudhunagar.

2.The Public Development Officer,
Public Development Office,
Narikudi Union,
Virudhunagar District.

3.The President,
Uzuthimadai Village Panchayat,
Uzuthimadai Village Panchayat Office,
Narikudi Union,
Virudhunagar District.

4.The Secretary,
Uzuthimadai Village Panchayat,
Uzuthimadai Village Panchayat Office,
Narikudi Union,
Virudhunagar District.
5.K.Malaichamy
6.K.Boominathan .. Respondents

[R5 & R6 are impleaded vide order dated 12.12.2024
in W.M.P(MD)No.25338 of 2024]

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to issue House Tax Receipt in the petitioner house Puliyankulam Village Natham S.No.356/5 and House Patta No.6 as per the third respondent's forwarding letter in Na.Ka.No.A1/2092/2024, dated 04.09.2024 and based on the petitioner's representation dated 14.06.2024.

For Petitioner : Mr.P.Manokaran

For Respondents : Mr.K.Jeyaseelan
Government Advocate for R1 & R2

Mr.V.S.Kumara Curu for R5 & R6

ORDER

The writ petition has been filed to direct the respondents to issue house tax Receipt in the petitioner's house in S.No.356/5 and House Patta No.6, which is situated at Puliyankulam Village Natham as per the third respondent's forwarding letter in Na.Ka.No.A1/2092/2024, dated 04.09.2024 and based on the petitioner's representation dated 14.06.2024.

2.The claim of the writ petitioner is that to grant house tax receipt to the petitioner's house at S.No.356/5, for which patta has also been issued in favour of the petitioner.

3.The case of the petitioner is that the petitioner is the senior citizen who has been residing in the house built on the patta granted in his favor and has also been assessed for property tax by the third respondent till date. However, on the objections made by the impleaded sixth respondent, who is the brother of the petitioner, the house tax receipt had been refused to be given by the third respondent. Hence, he had approached this Court for grant of house tax. He would further submit that as regards the dispute raised by the impleaded sixth respondent, it had initiated proceedings before the Revenue Divisional Officer, who had directed the sixth respondent and others to approach the civil Court. Against which, a revision petition has also been preferred before the District Revenue Officer and the District Revenue Officer, by its order dated 15.05.2024, had confirmed the order passed by the Revenue Divisional Officer and directed the sixth respondent to approach the appropriate civil Court.

4.Countering his arguments, the learned counsel for the respondents 5 and 6 would contend that the property is a family property and the petitioner had been acting in a manner detrimental to the interests of other co-sharers, including the respondents 5 and 6. He would further submit that pursuant to the order of the District Revenue Officer, the respondents 5 and 6 have also taken steps to initiate a suit with respect to the property in question and hence, he would submit that there is no necessity to grant the mandamus as prayed for by the petitioner.

5.I have considered the rival submissions made by the learned counsel on either side.

6.The respondents 5 and 6 had initiated proceedings before the Revenue Divisional Officer, which had culminated into a revision petition before the District Revenue Officer, who had passed orders refusing to cancel the patta standing in the name of the petitioner with a direction to the respondents 5 and 6 to approach the appropriate civil

Court for remedying their grievance. The suit is yet to be filed. The petitioner had also produced tax receipt for the patta issued in his name and also the house tax receipt issued by the third respondent up till 31.12.2022.

7.In such circumstances, I am of the view that the third respondent can continue granting house tax receipts in favour of the petitioner subject to the result of the suit that is proposed to be filed by the respondents 5 and 6.

8.With the above directions, this Writ Petition stands disposed of. However, there shall be no order as to costs.

12.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To
1.The District Collector,
District Collectorate Campus,
Virudhunagar District,
Virudhunagar.

K.KUMARESH BABU, J.

sji

2.The Public Development Officer,
Public Development Office,
Narikudi Union,
Virudhunagar District.

W.P.(MD) No.28138 of 2024

Dated: 12.12.2024