BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.9121 of 2024

G.Jebakumar Jebamani ... Petitioner

Vs.

1.The District Collector,
Office of District Collector,
Tirunelveli.

2.The Block Development Officer,
(Village Panchayath),
Union Office, Palayamkottai.

3.The Deputy Block Development Office,
(Village Panchayath),
Union Office, Palayamkottai.

4.The Panchayat Secretary,
Sengulam Village,
Palayamkottai Union Office,
Tirunelveli.

5.The Special Officer,
Sengulam Panchayat,
Palayamkottai, Tirunelveli.

6.Mercy Mary ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the second to fourth respondents to restore the property tax receipt for house property at No. 2/42, Perinbapuram, Sengulam, Palayamkottai, Tirnelveli in the name of the legal heirs of Mr.Gabriel, namely Mr.Jebakumar Jebamani, Mr.John Samuel and Mr.Jebarajan.

For Petitioner : Mr.Porkodi Karnan
for M/s.Polax Legal Solutions

For R1 to R5 : Mr.K.R.Badurus Zaman
Government Advoate

For R6 : Mr.P.Athimoola Pandian

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second to fourth respondents to restore the property tax receipt for the house property bearing Door No.2/42, Perinbapuram, Sengulam, Palayamkottai, Tirunelveli, in the names of the legal heirs of Mr.Gabriel, namely, Mr.Jebakumar Jebamani (the petitioner herein), Mr.John Samuel, and Mr.Jebarajan.

2. The petitioner is the brother-in-law of the sixth respondent. The petitioner's brother, late Mr.Jebarajan, appears to have purchased the

property from one Annathai on 27.06.1991, *vide* registered Document No. 2172 of 1992 (P25 of 1991). The description of the property in the Sale Deed refers to the extent of 7.41 cents (0.03.0 hectare) in S.No.621/46, together with the house bearing Door No.2/41.

3. The case of the petitioner is that the property tax assessment in respect of the house in Survey No.621/46A, bearing Door No.2/42, stood in the name of the petitioner's father, late Mr.Gabriel. It is submitted that, without any notice or provocation, the name in the property tax assessment has been altered to that of the sixth respondent, the wife of the petitioner's brother, Mr.Jebarajan.

4. It is submitted that the land in Survey No.621/46 was later subdivided into Survey Nos.621/46A and 621/46B, and that the land purchased by the sixth respondent's husband, i.e., the petitioner's brother, *vide* the aforesaid Sale Deed dated 27.06.1991, was confined to Survey No.621/46B and the house bearing Door No.2/41, and not to Survey No. 621/46A and the house bearing Door No.2/42.

5. It is further submitted that the name transfer in the property tax assessment was effected without issuing any notice to the petitioner. In support of this Writ Petition, the learned counsel for the petitioner has drawn attention to the copy of the Adangal, wherein the property in Survey No.621/46A, measuring an extent of 0.00.78 hectare (i.e., 1.92 cents = 839.78 sq.ft.), stands in the name of 'Diocesan Jebaveedu (டயோசீசன் ஜெபவீடு)', and not in the name of the petitioner's brother, late Mr.Jebarajan, the husband of the sixth respondent.

6. Disputing the stand of the petitioner, the learned counsel for the sixth respondent has drawn attention to the 'A' Register maintained in the Sub-Registrar's Office and submits that the land in Survey No. 621/46-1A, measuring an extent of 0.30 hectare (7.41 cents = 3,229.17 sq. ft.), stood in the name of Annathayammal. It is submitted that the sixth respondent's husband, late Mr.Jebarajan, purchased the said land along with other properties for a sum of Rs.5,000/- from the said Annathayammal by way of a Sale Deed dated 27.06.1991, registered as Document No. 2172 of 1992 (P25 of 1991). It is therefore submitted that the entire extent of 7.41 cents, together with the tiled-roof house bearing Door No. 1/41, was purchased by the sixth respondent's husband, late

Mr.Jebarajan.

7. That apart, the learned counsel for the sixth respondent has also drawn attention to a Partition Deed dated 23.07.2021, executed after the death of late Mr.Jebarajan on 27.08.2020, between the sixth respondent and her son, Mr.Joseph John Samuvel. It is submitted that Item No.7 in the aforesaid Partition Deed dated 23.07.2021 pertains to the property purchased by the sixth respondent's husband, late Mr.Jebarajan, on 27.06.1991, measuring an extent of 7.41 cents in Survey No. 621/46. It is further submitted that the said property was allotted to the sixth respondent's son, Mr.Joseph John Samuvel. It is further submitted that, based on the above, patta has been issued and the revenue records have been mutated. Thus, the challenge in the present Writ Petition is without merit.

8. The change in the name of the assessee has been made behind the back of the petitioner. There is no dispute that the land in Survey No. 621/46, measuring an extent of 7.41 cents, along with the tiled-roof house bearing Door No.2/41, was purchased by the sixth respondent's husband, i.e., the petitioner's brother, late Mr.Jebarajan, from the said

Annathayammal by the aforesaid Sale Deed dated 27.06.1991. It is the case of the petitioner that the land in Survey No. 621/46A, measuring an extent of 0.00.78 hectare (i.e., 1.92 cents = 839.78 sq. ft.), always stands in the name of 'Diocesan Jebaveedu'.

9. Considering the fact that there is some dispute, and since the order has been passed behind the back of the petitioner without any notice either to him or to the other legal heirs of late Mr.Gabriel, I am inclined to direct the second respondent to hear the petitioner, the petitioner’s other brothers, the sixth respondent, and the sixth respondent’s son, and to pass a fresh order as to whether the change in the name of the assessee in the property, in favour of the sixth respondent, is correct or not.

10. It is made clear that this exercise shall be completed by the second respondent after hearing the petitioner, the petitioner’s other brothers, namely Mr.Jebakumar Jebamani and Mr. John Samuel, the sixth respondent, her son Mr.Joseph John Samuvel, and others who may likely be impacted by such an order, within a period of six weeks from the date of receipt of a copy this order.

11. In the result, this Writ Petition stands disposed of. No costs.

01.07.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes/No

To

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C.SARAVANAN, J.

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