



W.A.(MD)No.1571 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1571 of 2021

and

C.M.P(MD)No.6558 of 2021

Sheeba

... Appellant /
5th Respondent

Vs.

- 1.The District Collector,
Kanyakumari District,
At Nagercoil.
- 2.The Assistant Director (Village Panchayats),
Kanyakumari District,
Collectorate Campus,
Nagercoil.
- 3.The Block Development Officer,
Kurunthencode Panchayat Union,
Kurunthencode and Post,
Kanyakumari District.
- 4.The Village Administrative Officer,
Kurunthencode 'A' Village,
Kurunthencode and Post,
Kanyakumari District.

... Respondents 1 to 4 /
Respondents 1 to 4



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5.C.Ravinther

... 5th Respondent /
Petitioner

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Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by the learned Judge in W.P(MD)No.7908 of 2021 dated 27.04.2021 by allowing this Writ Appeal.

For Appellant : Mr.H.Velavadhas

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 to R.4

Mr.C.T.Perumal for R.5

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.One C.Ravinther / fifth respondent herein filed W.P(MD)No. 7908 of 2021 for directing the President of Nettancode Panchayat to assess his newly constructed residential building to house tax. The writ petition was disposed of on 27.04.2021 in the following terms:

“6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition and also directions already issued by the third respondent to the fifth respondent through proceedings dated 19.02.2021, there shall be a direction



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to the petitioner to make a fresh representation to the fifth respondent and the fifth respondent on receipt of the same, shall act upon the representation in line with the proceedings of the third respondent dated 19.02.2021 and assess the property tax after assigning a door number to the property constructed by the petitioner, within a period of four (04) weeks from the date of receipt of a copy of this order. The petitioner while making his representation to the fifth respondent shall also mark a copy of the same to the third respondent."

Aggrieved by the said positive direction, this Writ Appeal has been filed.

3.The only question that calls for consideration is whether the construction put up by the writ petitioner in Cheruppancode West Village falls within the jurisdiction of Nettancode Panchayat.

4.The learned Additional Government Pleader appearing for the Block Development Officer categorically states that the petition mentioned building falls within the jurisdiction of Katimancode Panchayat and not Nettancode Panchayat.

5.The learned counsel appearing for the appellant has enclosed a copy of the notification dated 12.12.2018 published by the District



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Collector, Kanyakumari in District Gazette No.11 dated 14.12.2018.

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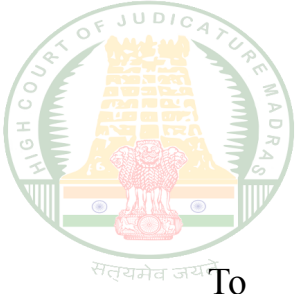
Nettancode Panchayat has a number of villages within its limits but it does not include Cheruppancode West Village.

6.We are satisfied that a direction against the appellant Panchayat could not have been issued. In this view of the matter, the order impugned in the writ petition is set aside. This Writ Appeal is allowed. However, the writ petitioner has to be given some relief. Even though Katimancode Panchayat is not a party before us, since it has been positively asserted by the Block Development Officer that it is Katimancode which will have the jurisdiction, the third respondent herein is directed to ensure that the writ petitioner's property is assessed to house tax by the said local body.

7.This Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
26.03.2025

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