

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.6930 of 2014
and M.P.No.1 of 2014

K.Nesamani

.. Petitioner

Versus

1. The Commissioner,
Thirupur Corporation,
Thirupur.

2. S.Velliangiri ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the first respondent to consider petitioner's representation dated 17.12.2013.

For Petitioner : Mr.T.Arockia Dass

For Respondents: Ms.P.Shanthi, Standing Counsel for R1
No appearance for R2

O R D E R

Heard Mr.T.Arockia Dass, learned counsel appearing for the petitioner and Ms.P.Shanthi, learned Standing Counsel appearing for the first respondent and perused the materials placed on record.

2. The petitioner has filed this writ petition seeking a direction upon the first respondent to consider his representation dated 17.12.2013.

3. Though the second respondent has been served with notice and his name is also printed in the cause title, none appears for the second respondent.

4. The petitioner would state that the property tax could not have been made in the name of the second respondent and it should have been made in the name of the temple.

5. The learned counsel for the first respondent Municipality submitted that the petitioner has not substantiated his claim by producing any registered document and furthermore, the

second respondent has filed a suit in O.S.No.192 of 2010 on the file of the District Munsif Court, Tiruppur, for a decree of permanent injunction. Therefore, this Court has stated that since the suit is pending, transfer of name over the disputed property cannot be taken for consideration.

6. The learned counsel for the petitioner submitted that there are sufficient documents to show that the property belongs to the temple and not to any individual. Further, it is stated that the interlocutory application filed in O.S.No.192 of 2010 has been dismissed by the trial Court by order dated 11.08.2010 and the petitioner would state that there are certain observations made by the civil court, which are in his favour.

7. In the light of the above, the petitioner is directed to submit further representation brining on record all the subsequent events and to produce necessary documents to substantiate his claim. On receipt of the same, the first respondent shall conduct an enquiry, after notice to the petitioner and the second respondent and after giving them an opportunity of personal hearing, pass orders on merits and in accordance with law within a period of six weeks from the date on which the petitioner submitted his further representation.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
The Commissioner,
Thirupur Corporation,
Thirupur.

सत्यमेव जयते

+ 1 cc to M/s. Dass Law Assoicates, Advocate Sr.12666

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W.P.NO.6930 OF 2014

RSK(CO)

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