



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD) No.3951 of 2015

R.S.Mani Konar

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Madurai 625 020.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to furnish copies of documents based on which, the property tax registry of door Nos.1 and 2 at Ayothi Kovil Street, Madurai was transferred in the name of Madurai Veeran and copies of documents initiating proceedings against persons who have put up construction in T.S.No.144, Ayothi Kovil Street, Madurai violating the regulations, within the time frame that may be fixed by this Court.

For Petitioner : Mr.R.Subramanian

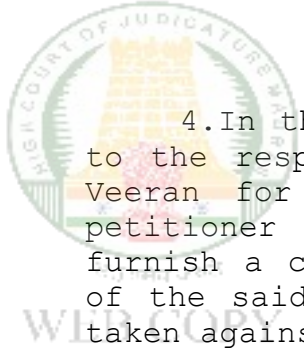
For Respondent : Mr.R.Murali

ORDER

The Writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to furnish copies of documents based on which, the property tax registry of door Nos.1 and 2 at Ayothi Kovil Street, Madurai was transferred in the name of Madurai Veeran and initiating proceedings against persons, who have put up construction in T.S.No.144 at Ayothi Kovil Street, Madurai, within the time frame.

2.The case of the petitioner is that the property in Door No.2 in T.S.Nos.146/1, 146/2A and 144/3C belong to Sonaisamy Temple. Based on a Will dated 30.03.1952, one Madhalaimuthu Konar bequeathed the property to the family temple namely, Sonai Poosari Kovil and he directed his two wives viz., Karuppayee Ammal and Guruvammal to perform poojas in the said temple and also to do Dharmams. He died on 01.01.1953. Thereafter, the said Guruvammal started to alienate the above said properties in the interest of the said Temple. Hence, the petitioner and other pangalis, who were managing the temple, have filed a suit in O.S.No.249 of 1980 praying to declare the alienation of the properties of the Temple as null and void. The suit was decreed by the First Appellate Court and the same was confirmed in S.A.No.1916 of 1991.

3.Further, the petitioner filed a suit in O.S.No.167 of 2010 against the purchasers for recovery of possession of the said properties. The suit was decreed and the same was confirmed by this Court in A.S.No.15 of 2013. With an ulterior motive to prevent from executing the decree, one Madurai Veeran and others approached the respondent for clubbing the Door No.2 with Door No.1 and to include his name in Property Tax Register. With the active collusion of the respondent, Property Tax Register for Door Nos. 1 and 2 was transferred in the name of Madurai Veeran.



4. In this regard, the petitioner has sent a letter dated 14.07.2014 to the respondent for taking necessary action against the said Madurai Veeran for putting up construction violating the plan. Further, the petitioner sent another letter dated 08.10.2014 to the respondent to furnish a copy of order, transferring Property Tax Registry in the name of the said Madurai Veeran and also a copy of order relating to action taken against Madurai Veeran for encroaching the pathway.

5. As the petitioner is affected by the transfer of name in the Property Tax Register and the construction put up by the said Madurai Veeran in the pathway violating the regulations, the petitioner has sent a letter dated 08.10.2014 to the respondent. However, the order copies were not furnished to the petitioner. Hence, the present Writ Petition has been filed.

6. Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

7. Today when the matter is taken up for hearing, the learned standing counsel appearing for the respondent handed over the documents sought for by the petitioner to his counsel and the learned counsel for the petitioner also received the same.

8. In so far as initiating proceedings against persons, who have put up construction in T.S.No.144 at Ayothi Kovil Street, Madurai, is concerned, the petitioner is directed to give a fresh representation to the respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same, and pass appropriate orders after affording opportunity to all the necessary parties, within a period of 6 weeks from the date of receipt of a copy of this order.

The Writ petition is disposed of accordingly. No costs.

Sd/-

The Assistant Registrar(CO)

/True copy/

Sub-Assistant Registrar

To
The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Madurai 625 020.
+1cc to Mr.R.Subramanian, Advocate SR.No.46813
+1cc to Mr.R.Murali, Advocate SR.No.46835

nbj

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W.P. (MD) No.3951 of 2015