

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27390 of 2016

R.Saraswathi

... Petitioner

vs.

1.The District Collector,
Collectorate Office,
Coimbatore.

2.The President,
Zamin Muthur Village Panchayat,
Zamin Muthur, Pollachi Taluk,
Coimbatore District.

3.The Secretary,
Zamin Muthur Village Panchayat,
Zamin Muthur, Pollachi Taluk,
Coimbatore District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the second respondent herein to dispose the petitioner representation dated 21.03.2016 for issuance of House Tax Receipts to the petitioner.

For Petitioner : Mr.P.Muthukrishnan

For Respondents : Mr.K.J.Sivakumar
Government Advocate (For R1)
Mr.O.R.Maheswaran
Government Advocate (For R2 & R3)

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O R D E R

Heard Mr.P.Muthukrishnan, learned counsel appearing for the petitioner. Mr.K.J.Sivakumar, learned Government Advocate accepts notice on behalf of the 1st respondent and Mr.O.R.Maheswaran, learned Government Advocate accepts notice on behalf of the respondents 2 and 3 and with their consent, the writ petition is taken up for disposal.

2.The petitioner seeks for an innocuous relief for issuance of writ of Mandamus to direct the second respondent to consider his representation and to accept the property tax payments from the petitioner in respect of the property in question.

3.It is an admitted fact that the petitioner has filed a suit in O.S.No.132 of 1997 on the file of the District Munsif Court, Pollachi and another suit was filed by Palanisamy and others in O.S.No.291 of 2001 on the file of the District Munsif Court, Pollachi. The Lower Appellate Court has dismissed the suit in O.S.No.132 of 1997 and decreed the suit in O.S.No.291 of 2001 by judgment and decree dated 19.11.2007. The suit pertains to the very same property for which the petitioner has now approached this Court. As against the decree in O.S.No.132 of 1997, the petitioner has preferred an appeal before the Sub Court, Pollachi in A.S.No.54 of 2008 and the memorandum of grounds of appeal has been produced before this Court, from which, it is seen that there are 20 respondents, who are the defendants/legal heirs of the defendants and the appeal is pending before the Lower Appellate Court and it appears that there are no interim orders. In the meantime, the petitioner now seeks for payment of property tax in her name in respect of the same property and the representation given by the petitioner has been forwarded by the Block Development Officer to the second respondent.

4.In my view, since the civil proceedings are pending and the suit filed by Palanisamy and others having been decreed in their favour, it would be an empty formality to direct the second respondent to consider the representation submitted by the petitioner as the second respondent cannot decide the title to the property. Therefore, no useful purpose would be served by issuing a writ of Mandamus as sought for. Hence, the relief sought for cannot be granted. However, it is open to the petitioner to move an appropriate application in the pending appeal in A.S.No.54 of 2008 for necessary relief since the petitioner would state that she has been remitting the property tax upto the year 2015.

5.With the above observation, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Collectorate Office,
Coimbatore.

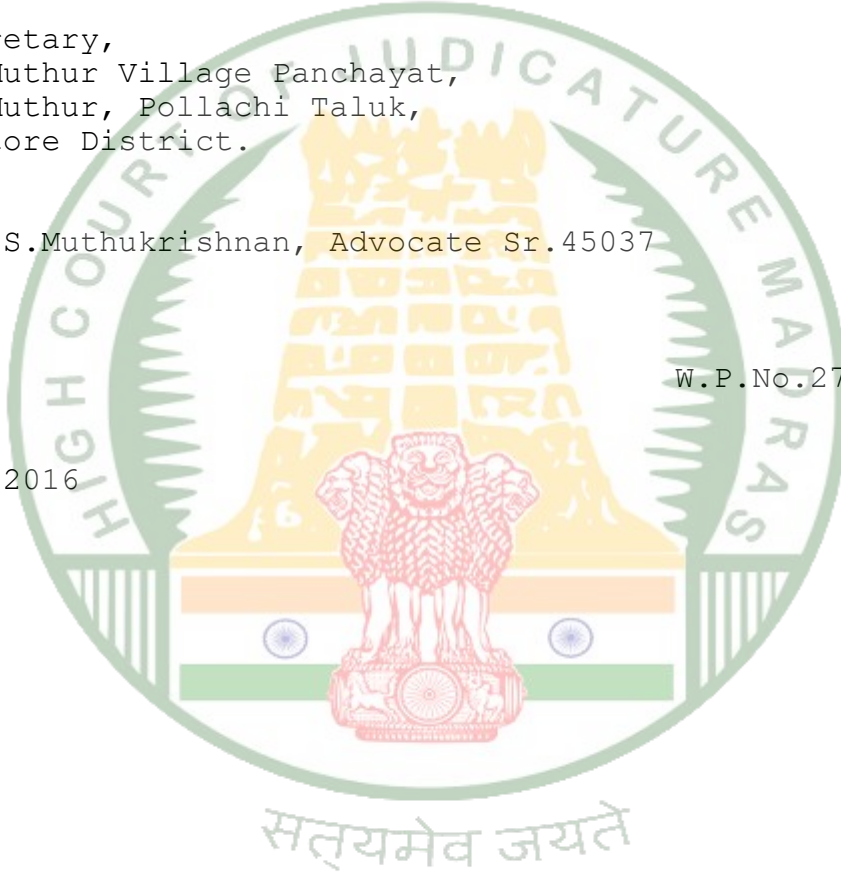
2.The President,
Zamin Muthur Village Panchayat,
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Coimbatore District.

3.The Secretary,
Zamin Muthur Village Panchayat,
Zamin Muthur, Pollachi Taluk,
Coimbatore District.

+1cc to M/S.Muthukrishnan, Advocate Sr.45037

W.P.No.27390 of 2016

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srg 26/08/2016



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