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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition(MD)No.4999 of 2014

Sarojinidevi

... Petitioner

Vs.

1.The Commissioner,
Trichirappalli City Corporation,
Trichy-1,
Trichy District.

2.The Assistant Commissioner,
Srirangam Zone,
Srirangam,
Trichy -6,
Trichy District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the first respondent to receive property tax as well as water tax from the petitioner with regard to property situated at Trichy District, Srirangam Zone, Ward No.18, Door No.15, Krishnankovil Street, Trichy, in the light of the petitioner's representation dated 7.3.2014 within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.R.Sundar
For Respondents : Mr.J.Parekhkumar

O R D E R

The petitioner seeks for a Mandamus directing the first respondent to receive the property tax from the petitioner in respect of the property situated at Trichy District, Srirangam Zone, Ward No.18, Door No.15, Krishnankovil Street, Trichy, in the light of her representation dated 7.3.2014.

2. The case of the petitioner in brief is that the property bearing D.No.15, Krishnankovil Street, Trichy, belongs to the petitioner by virtue of a Will executed by her mother-in-law in

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favour of her husband on 21.09.1988. Since the petitioner's mother-in-law died on 18.09.1990, her husband become the absolute owner and after the demise of her husband, she is in possession and enjoyment of the property. It is the further case of the petitioner that her mother-in-law was paying the property tax and now the respondents have refused to receive the property tax from the petitioner. Though the petitioner has raised several points, the materials produced by her would show that the case in the affidavit is not supported by her own document. The Will executed by her mother-in-law on 21.09.1988 would clearly show that the property belongs to Sri Navaneethakrishnaswamy Temple and that the petitioner's mother-in-law is only a tenant. Though this document indicates that the site, in which, the building has been constructed, belongs to the temple and the superstructure had been constructed by the petitioner's mother-in-law, the property tax receipt filed by the petitioner show that, the tax has been assessed in the name of the Manager of the Temple.

3. In such circumstances, it is not possible for this Court to decide the title of the petitioner in respect of the superstructure and it is also not possible for the first respondent to decide the question of title for the purpose of changing the assessment in the name of petitioner.

4. In such circumstances, since this Court under Article 226 of the Constitution of India cannot decide the disputed question of fact and it is only for the competent civil Court, which may grant suitable relief to the petitioner, the writ petition is dismissed, however, with a liberty to the petitioner to approach the civil Court and seek appropriate remedy in accordance with law. No order as to costs.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To
1.The Commissioner,
Trichirappalli City Corporation, Trichy-1, Trichy District.

2.The Assistant Commissioner,
Srirangam Zone, Srirangam, Trichy -6, Trichy District.
+1CC TO M/S.P.SRINVAS, ADVOCATE SR.No. 42358

Skn
CSL/KP/12.08.2016: 2P/4C

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