

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Writ Petition No.18703 of 2014

and

M.P.No.1 of 2014

P.Sundari

... Petitioner

vs.

The Thiruvannamalai Municipality
rep. by its Commissioner,
Municipality Office,
Thiruvannamalai Town,
Thiruvannamalai District.

... Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records pertaining to the order dated 18.02.2014 passed in Pe.Ma.No.198/2014/A2 by the respondent and consequently direct the respondent to mutate the Municipal Tax Demand Index No.8940 lying in the name of late Mrs.Veerammal, the maternal grandmother of the petitioner by virtue of the registered Will dated 15.11.1999 registered as Document No.49 of 1999 with Joint Sub Registrar I, Thiruvannamalai SRO, in favour of the petitioner.

For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.S.Eraskine Leo

ORDER

Challenging the order of the respondent dated 18.02.2014 and consequently direct the respondent to mutate the Municipal Tax Demand Index No.8940 lying in the name of late Mrs.Veerammal, the maternal grandmother of the petitioner in her favour, the petitioner has come up with this writ petition.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3.The impugned order has been passed on the premise that the tax receipt does not stand in the name of the petitioner and the request made was rejected earlier. It was further stated that the building has been demolished and what is available is only a vacant site. The revenue records stand in the name of somebody else. There is also an objection raised by the son of the original owner.

4.The petitioner claims title through a Will said to have been executed by one Veerammal. Now, objection has been raised from the son of the said deceased one R.Sankaran.

5.In such view of the matter, this Court does not find any merit in the writ petition. The remedy lies before the jurisdictional civil Court since the petitioner seeks her right based upon the Will. If the petitioner gets a decree in her favour, certainly she can approach the respondent herein and in that case, the respondent is bound to act as per the decree.

6.With the above observation, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi
To

The Commissioner,
Thiruvannamalai Municipality,
Municipality Office,
Thiruvannamalai Town,
Thiruvannamalai District.

+lcc to Mr.P.G.Thiyagu, Advocate, S.R.No.36401
+lcc to Mr.S.Eraskin leo, Advocate, S.R.No.25272

W.P.No.18703 of 2014

sv(co)
rmp(15/05/17)