

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 07.12.2018

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12545 of 2006
and
W.P.M.P.No.14126 of 2006

S.Karthikeyan

...Petitioner

..Vs..

1.The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District.

2.Mr.Balakrishnan

3.Tmt.Agilandeswari

4.Tmt.Krishnaveni

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the impugned order passed by the respondent No.1 in and by his proceedings in R.F.No.51, D.R.No.18, 19/06/A2 dated 03.04.2006 and quash the same.

For Petitioners : M/s.P.T.Ramadevi

For Respondents : Mr.G.Sankaran (For R.1)
Mr.S.Ramesh (For R.2 & 4)
No appearance for R.3

O R D E R

The order of the first respondent dated 03.04.2006 in respect of demand of property tax is under challenge in the present writ petition.

2. The impugned order dated 03.04.2006 states that the second respondent viz., Thiru Balakrishnan submitted an application on 24.02.2006 for transfer of his name in respect of the property described in the present Writ Petition. For the purpose of conducting an enquiry, the Commissioner, Pollachi Municipality issued a notice in proceedings dated 03.04.2006.

3. The learned counsel for the petitioner states that during the relevant point of time, the Writ petitioner claimed title and ownership and therefore, he challenged the said notice in

the present Writ Petition. However, the Writ Petitioner, Sri S.Karthikeyan filed a Civil Suit in O.S.No.39 of 2006 for declaration of title and for injunction. The said Civil Suit was dismissed on 30.04.2013. The First Appeal filed by the Writ Petitioner in A.S.No.19/2014, which was also dismissed on 26.10.2017 by the IV Additional District and Sessions Judge, Coimbatore.

4. Thus, the Writ Petitioner's right was not established before the Competent Civil Court of Law. This apart, the impugned order now under challenge in the present Writ Petition is only a notice and therefore, this Court is not inclined to grant any relief to the Writ Petitioner in the present Writ Petition. The civil litigations filed by the Writ Petitioner also went against him and therefore, the relief as sought for in the present Writ Petition cannot be granted.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/kak

To

The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District.

+1cc to Mr.P.T.Ramadevi, Advocate, S.R.No.84783

+1cc to Mr.G.Sankaran, Advocate, S.R.No.84784

सत्यमेव जयते

W.P.No.12545 of 2006

RJI (CO)

rrs 03/01/2019

WEB COPY