BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.01.2018
CORAM :
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.1459 of 2018
and
W.M.P(MD)No.1525 of 2018

R.Karupayee ... Petitioner

Vs.

1.The Commissioner,
Usilampatti Municipality,
Madurai District.

2.R.Manickam ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Notice in Na.Ka.No.2838/2016/A1-1 dated 11.01.2018 passed by the 1st respondent and quash the same and consequently direct the 1st respondent not to mutate the tax assessments in the name of the 2nd respondent until the disposal of the suit in O.S.No.67/2017 on the file of 3rd Additional Sub Court Madurai(Camp at Usilampatti).

For Petitioner : Mr.T.Amjadkhan
for M/s.N.Ananthapadmanabhan
For Respondents : No Appearance

ORDER

This writ petition has been filed challenging the order of the first respondent dated 11.01.2018 transferring the property tax assessment in the name of the second respondent.

2.According to the petitioner, the petitioner is the owner of the property in dispute. Earlier, she borrowed a sum of Rs.12 lakhs from the second respondent in order to discharge the above money, on coercion, she has executed a sale deed in favour of the second respondent. Subsequently, the petitioner filed a suit to set aside the above sale deed in O.S.No.67 of 2017 which is pending on the file of the III Additional Sub Court, Madurai (Camp at Usilampatti). During the pendency of the said suit, the petitioner filed an application not to transfer the property tax assessment in the name of the second respondent. According to the petitioner, the first respondent, without considering her objection, has passed the impugned order transferring the property tax assessment in the name of the second respondent. Challenging the same, the present writ petition has been filed.

3.From the perusal of the records, it could be seen that the petitioner herself has executed a sale deed in favour of the second respondent and filed a suit to set aside the sale deed executed by her which is pending. Admittedly, as per the sale deed executed by the petitioner, as on today, the second respondent is the owner of the property in dispute and he is entitled to get the property tax assessment in his favour. Apart from that the first respondent has clearly stated in the impugned order that since no order has been passed in the suit, the property tax assessment transferred in favour of the second respondent which is subject to the outcome of the suit pending before the III Additional Sub Court, Madurai (Camp at Usilampatti). Therefore, I find no infirmity in the order passed by the first respondent.

4.Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P(MD)No.1525 of 2018 is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The III Additional Subordinate Judge,
Madurai
(Camp at Usilampatti)

2.The Commissioner,
Usilampatti Municipality,
Madurai District.

Sms
RL/3C/2P/SV/MMS/SAR4/13/2/2018

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25.01.2018