



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWrit Petition (MD) No.3181 of 2018andW.M.P (MD) No.3338 of 2018

Vellaimmal

... Petitioner

Vs.

1.The Commissioner,
Municipality, Pudukottai.

2.S.Natesan

3.R.Muthukumar

... 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 relating to the impugned proceedings of the 1st respondent in Na.Ka.No. 18582/2017/A2 dated 2.2.2018 and quash the same and consequently direct the 1st respondent to forbear from proceedings with the enquiry on the basis of the impugned notice and make any tinkering of the revenue records relating to the property in T.S.No.2967/2 at Pudukottai.

For Petitioner

: Mr.V.Singan

For 1st Respondent

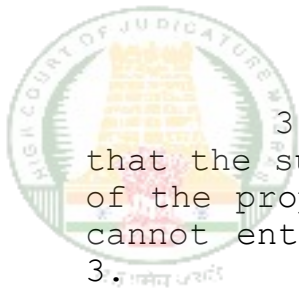
:Mr.P.Mahendran

Standing Counsel

ORDER

Challenging the notice issued by the first respondent dated 02.02.2018, the present writ petition has been filed.

2.According to the petitioner, she is the owner of the property and she acquired title over the property by means of a settlement deed dated 26.07.2017. Subsequently, when the respondents 2 and 3 interfering with her possession and enjoyment of the property, the petitioner has filed a suit in O.S.No.318 of 2017 on the file of the District Munsif Court, Pudukottai for permanent injunction restraining them from interfering with the possession which is still pending. In the meantime, the respondents 2 and 3 sent a representation before the first respondent against the order changing property tax assessment in favour of the petitioner. Pursuant to the same, the first respondent issued a notice under Section 325 of the Tamil Nadu District Municipalities Act, 1920 calling upon the petitioner to appear for enquiry. Challenging the said notice, the petitioner has filed the present writ petition.



3. Learned counsel appearing for the petitioner submitted that the suit is pending before the Civil Court and unless the title of the property is decided by the Civil Court, the first respondent cannot entertain the representation filed by the respondents 2 and 3.

4. From the perusal of the records, it could be seen that the petitioner has filed the suit only for permanent injunction and not for declaration of title over the property and now the respondents 2 and 3 claiming right over the property filed an appeal before the first respondent challenging the order granting property assessment in favour of the petitioner. Pursuant to the same, the first respondent has issued a notice to the petitioner asking her to appear before him for an enquiry. It is only a notice for enquiry, and if the petitioner has any objection, it is open to her to appear before the first respondent and raise her objections but the petitioner cannot seek to set aside the enquiry notice. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, W.M.P(MD)No.3338 of 2018 is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

The Commissioner,
Municipality, Pudukottai.

+1CC TO M/S.V.SINGAN, ADVOCATE, SR NO.49261

+1CC TO M/S.MAHENDRAN, ADVOCATE, SR NO.49254

Writ Petition (MD) No.3181 of 2018

and

W.M.P(MD)No.3338 of 2018

16.02.2018

sms

MS/GT/SAR-2/16.03.2018/2P.4C