



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition (MD) No.5902 of 2013

B.Banu

... Petitioner

Vs.

- 1.The Commissioner
Madurai Corporation,
Madurai.
- 2.The Assistant Commissioner,
Zone-3,
Madurai Corporation,
Madurai.
- 3.The Tahsildar,
Madurai East,
Collectorate Campus,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Ma3A6/00727/2013 dated 14.03.2013 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondents to survey the land in an extent of 3080 sq.ft in old survey No.1227, new survey No.1 in Block No.13 in Ward No.9 Obula Padithurai Zone-3, Madurai Corporation and levy the vacant land tax for the land in the name of the petitioner.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondent

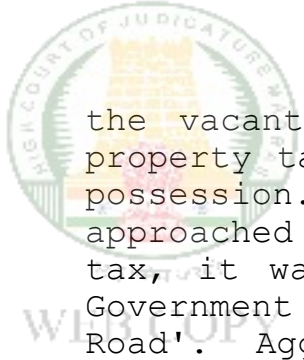
: Mr.R.Murali

Standing Counsel for RR-1 & 2

Mr.A.Muthukaruppan

Additional Government Pleader
for R-3ORDER

The petitioner is residing in a land belonging to Madurai Corporation. Since a neighbour started to interfere with the enjoyment of the property, she filed a civil suit in O.S.No.694 of 2010 before the Additional District Munsif, Madurai Town for permanent injunction, which was decreed in her favour. Again, some other private parties also claimed possession of the land by way of filing O.S.No.693 of 2002, which was also dismissed by the Civil Court. Since she is in continuous and uninterrupted possession of



the vacant land, requested the respondent to assess the land to property tax. The third respondent issued a B-memo confirming her possession. However, patta was not issued in her favour. When she approached the first respondent for assessment of the vacant land tax, it was rejected on the ground that the land belongs to the Government and it is recorded as 'Government Poromboke Vaigai River Road'. Aggrieved over the rejection, the petitioner is before this Court.

2.The respondent Corporation have objected the claim of the petitioner on the ground that the petitioner is not the owner of the property, but she is only an occupant, hence, a B-memo was issued by the respondent. Hence, the claim of the petitioner cannot be accepted.

3.Admittedly, the land is classified as 'Government Poromboke Vaigai River Road'. In the affidavit filed by the petitioner, it is clearly admitted that B-memo was issued and she is paying B-memo charges. In such circumstances, the prayer sought for by the petitioner that the land shall be assessed to tax in her favour cannot be granted. If at all the petitioner aspires to own the land, she has to apply for assignment of patta to the concerned authorities. It is open to the petitioner to avail the legal remedies for the purpose of getting assignment in her favour. As such, the relief sought for cannot be granted.

4.The writ petition is disposed of with the above observation. There is no order as to costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Madurai East,
Collectorate Campus,
Madurai.

+1cc to M/S.T.Lajapathi Roy, Advocate SR.No. 75261
+1cc to Special Government Pleader, SR.No. 75656

W.P (MD) No.5902 of 2013

VS

<https://hcservices.courts.gov.in/hcservices/>
CM/SRN RSR/SAR 1/24.08.2018/2P/4C