



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.07.2019**

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.(MD)No.20539 of 2013

and

M.P.(MD)No.1 and 2 of 2013

WEB COPY

T.Senthilkumar

... Petitioner

/Vs./

- 1.The Commissioner,
Madurai Municipal Corporation,
Tallakulam, Madurai - 625 002.
- 2.The Assistant Commissioner,
Zone No.I, Madurai Municipal Corporation,
Tallakulam, Madurai-625 002.
- 3.The President, All India Congress Committee,
Sathiyamoorthy Bhavan,
Thenampet, Chennai.

4.P.Sheik Ayuub

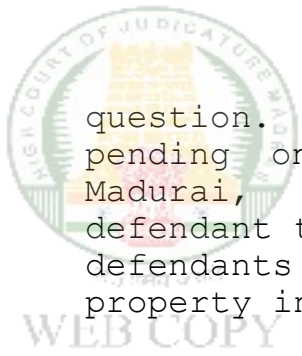
... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records related to the impugned order in Ma.1 Va.3/007260/13 dated 04.12.2013 passed by the 2nd respondent and quash the same.

For Petitioner	: Mr.N.Murugesan
For R-1 & R-2	: Mr.R.Murali
For R-3	: No appearance
For R-4	: Mr.G.Aravinthan

ORDER

This is a dispute as to who the proper person to remit property tax in regard to the property bearing No.9/35, Vaithyanathapuram Main Road, Madurai, (land in question), would be. The aforesaid dispute has arisen as between the petitioner and the fourth respondent. The petitioner challenges impugned order dated 04.12.2013, passed by the second respondent based on a representation by the fourth respondent to the effect that the land in question constitutes Government Poramboke and the petitioner ought not to be remitting property tax in regard to the same. The insistence by the petitioner to remit property tax and the equal insistence by the fourth respondent objecting to such payment, thus clearly arises from a dispute over title to the property in



question. The petitioner has filed a suit in O.S.No.68 of 2015 pending on the file of the Additional District Munsif Court, Madurai, seeking permanent injunction restraining the fourth defendant therein (arrayed as 4th respondent before me) as well other defendants therein from interfering with his possession of the property in question.

2. The stand of the official respondents i.e., R-1 and R-2 is to the effect that the land in question is classified as Government Poramboke and neither the petitioner nor the fourth respondent can have any rightful claim/title in relation to the same.

3. Admittedly, between 2013, when the impugned order has been passed and now, respondents 1 and 2 have not received property tax payments in regard to the property in question from either party.

4. In the light of the pendency of the civil suit and the narration as above, I am of the view that no further orders are required to be passed in this writ petition. This Writ Petition is thus dismissed. The parties are at liberty to pursue the civil litigation before the competent Court. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-78726[F] dated 31/07/2019)

+1 CC to Mr.R.MURALI, Advocate (SR-78737[F] dated 31/07/2019)

+1 CC to MR.N.MURUGESAN, Advocate (SR-79006[F] dated 31/07/2019)

Order made in
W.P. (MD)No.20539 of 2013
Dated:30.07.2019

SM

MK (27.09.2019) 2P 4C