



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.7080 of 2018

and

WMP(MD)Nos.6783 & 6784 of 2018

Lakshmi @ Kaliammal

... Petitioner

Vs.

1.The Municipal Commissioner,
Municipality Office,
Kumbakonam, Thanjavur District.

2.R.Arumugam

... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the first respondent in Pe.Maa.Ma.No.188/2015/A3 dated 08.05.2015 and quash the same and consequently direct the first respondent to transfer the name of taxation to the name of the petitioner Lakshmi.

For Petitioner : Mr.M.Mahendran

For Respondents : Mr.M.Rajaraman,
Government Advocate for R1

Mr.S.Palani Velayutham for R2

ORDER

The writ petitioner challenges the action of the first respondent Municipality in effecting mutation in respect of the subject property in favour of the second respondent herein. By order dated 08.05.2015, the Commissioner, Kumbakonam Municipality directed mutation of the property tax register No.16826 belonging to the premises bearing No.70/671, Thukkam Palayam Theru, Ward No.19, Kumbakonam from the name of G.Lakshmi, the writ petitioner herein to the name of the second respondent herein. Aggrieved by the same, the petitioner submitted an appeal before the first respondent. The first respondent by a communication dated 31.07.2017 informed the petitioner that since civil proceedings are pending between the petitioner and the second respondent, changes will be made based on the outcome of SA(MD)No.322 of 2015. Aggrieved by the stand of the Municipality, the writ petition has been filed.

2.It is not in dispute that the property was assessed only in the name of the writ petitioner. It is also not in dispute that this assessment was effected without notice to the petitioner.



Therefore, on the ground of violation of the principles of natural justice, the order impugned in this writ petition is set aside. The matter is remitted to the file of the first respondent to pass orders afresh in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The first respondent shall hear the writ petitioner as well as the second respondent before passing final orders.

3.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

The Municipal Commissioner,
Municipality Office,
Kumbakonam, Thanjavur District.

+1cc to Mr.M.RAJARAJAN, Advocate, SR.No. 60663

+1cc to Mr.S.PALANI VELAYUTHAM, Advocate, SR.No.60833

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SKM

KK/SAR/10.05.2019/ 2P- 4C