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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.4616 of 2019

1.K.Saleem
2.K.Haleem
3.K.Haseena Banu
4.K.Nayeem
5.K.Shaina Banu ... Petitioners
(The Petitioners 2 to 5 rep.through their
Power Agent/Elder Brother the 1st petitioner
herein namely K.Saleem)

Vs

1. The Commissioner,
Madurai Corporation,
Tallakulam, Madurai -2.

2. The Assistant Commissioner,
Madurai Corporation,
Zone I, Madurai -10. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to transfer the property Tax Assessment and Drainage Tax Assessment bearing no.115/008416 corresponding to old Assessment No.115/017/00741 and 115/49843 in respect of the property comprised in T.S.No.1717, in old ward no.8, new ward no.17, presently at No.6, Ansari Nagar 3rd street, Ellis Nagar, Madurai, Madurai Town from the name of the petitioner's grandfather Ghouse Mohideen Sahib to their name on the basis of the applications submitted by them to the respondents dated 05.10.2018, 12.10.2018 and 12.12.2018 within a time frame as may be fixed by this Court.

For Petitioners : Mr.M.Ponniah

For Respondents : Mr.T.S.Mohamed Mohideen

ORDER

The petition mentioned property was assessed in the name of Ghouse Mohideen Sahib. He was none other than the grandfather of the writ petitioners herein. He passed away on 25.03.1955.



Thereafter, the petition mentioned property was enjoyed by the petitioners' father Kuthabaksh. He also passed away on 01.12.2016. Therefore, the petitioners want mutation in the property tax assessment register and bringing their names on record.

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2.Ofcourse, the petitioners belong to the Muslim religion and therefore their respective shares shall be as per Muslim law inheritance. But then, all the petitioners herein will have to be jointly entered in the property tax assessment register in the place of the deceased assessee. They have already given representation in this regard and the respondents are directed to make the mutation as sought for by the writ petitioners herein. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

3.Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Commissioner,
Madurai Corporation,
Tallakulam, Madurai -2.
2. The Assistant Commissioner,
Madurai Corporation,
Zone I, Madurai -10.

+1 CC to Mr.T.S.MOHAMED MOHIDHEEN, Advocate (SR-61064[F] dated 15/04/2019)

+1 CC to Mr.M.PONNIAH, Advocate (SR-61042[F] dated 15/04/2019)

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