



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE VINEET KOTHARI,
ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. [MD].Nos.220 & 221 of 2019
Aginst W.P. (MD) Nos.22821 & 23768 of 2018

V.Semmalar : Appellant in W.A.No.220/2019

P.Chenkodi : Appellant in W.A.No.221/2019

Vs.

The Commissioner
Madurai Corporation,
Madurai-2.

: Respondent in both Appeals

PRAYER: Writ Appeals filed under Clause 15 of Letters Patent Act against the orders of this Court dated 15.11.2018 and 12.12.2018 in W.P. (MD) Nos.22821 and 23768 of 2018 respectively.

Prayer in WP (MD) . 22821/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the application bearing No.19135 of the petitioner dated 23.02.2018 for transfer of name for property tax, water connection and sewage connection on merits in accordance with law expeditiously

Prayer in WP (MD) . 23768/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the application bearing No.21697 of the petitioner dated 23/02/2018 for transfer of name for property tax, water connection and sewage connection on merits in accordance with law expeditiously.

For Appellants : Mr.C.Godwin
For Respondent : Mr.R.Murali



COMMON JUDGMENT

[Judgment of the Court was delivered by
G.R.Swaminathan, J.]

These two writ appeals are directed against the orders dated 15.11.2018 and 12.12.2018 respectively dismissing the writ petitions filed by the appellants, viz., Semmalar and Chenkodi, who are the daughters of one Shanmugam. The said Shanmugam had executed a Will dated 12.07.2017 conferring life estate on his wife Muniyammal and the properties were to vest in favour of his daughters thereafter absolutely. The Testator passed away on 24.07.2017. The Will has now come into force. The daughters applied to the Madurai Corporation for effecting mutation of the name from that of their father to their names in respect of property tax, water connection and sewage connection. The mother of the writ petitioners appears to have given her consent for effecting such mutation. But the local body did not act on the applications for mutation. Therefore, the appellants herein filed W.P.(MD) Nos.22821 and 23768 of 2018. Both the writ petitions were dismissed by the order impugned in these *intra* Court appeals.

2.We heard the learned counsel for the appellants and the learned standing counsel for the respondent Corporation.

3.We are of the view that no interference with the order passed by the learned single Judge is called for. It is not in dispute that the appellants herein will get right in the properties in question only after the demise of their mother Muniyammal. As on date, their mother Muniyammal is having life estate.

4.The learned counsel for the appellants submitted that unless mutation is effected, they will have to continue to pay the tax in the name of their demised father and that is why, they have approached the Corporation with the applications seeking change of the name. However, it is not in dispute that the petitioner's mother is very much alive.

5.Therefore, the writ appeals are dismissed. But then, it is submitted by the learned counsel for the appellants that the mother of the appellants will submit an application for changing the name of the assessee in the concerned records in her favour. The learned counsel for the respondent Corporation submitted that such application, as and when filed, would be expeditiously considered by the respondent Corporation. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

The Commissioner
Madurai Corporation,
Madurai.

WEB COPY

+1 CC to M/s.R.MURALI, Advocate (SR-96795[F] dated 07/11/2019)
+2 CC to M/s.C. GODWIN, Advocate (SR-96419[F] dated 06/11/2019)

W.A. [MD] .Nos.220 and 221 of 2019
06.11.2019

RR

SDS/ (12.12.2019) 3P 5C