



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.19661 of 2019

Tmt.Meenakshi Alagappan

.. Petitioner

Vs.

The Karaikudi Municipality
Through its Commissioner,
Karaikudi.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for entire records relating to the impugned proceedings of the respondent municipality vide Na.Ka.no.2082/2019/A2, dated 24.06.2019 and quash the same as illegal and consequently to direct the respondent Municipality to change the name for the property Tax Assessment No:111/017/00205 (Old Assessment No.111/16103) from 'Meena Alagappan' to Meenakshi Alagappan' based on the Tamil Nadu Government Gazette No.8, dated 20.02.2019 Part VI Section 4, page No.266, Serial No.3864 with the time limit fixed by this Court.

For Petitioner : Mr.Kannan,

for Mr.M.Dinesh

For Respondent : Mr.P.Mahendran

Standing Counsel for the Respondent

ORDER

Heard Mr.Kannan, learned counsel appearing for the petitioner and Mr.P.Mahendran, learned counsel appearing for the respondent.

2.In the affidavit, the learned counsel appearing for the petitioner stated that the petitioner approaches the respondent for change of her name in the property tax assessment. In this regard, he has filed an application on 07.06.2019 whereas, the respondent rejected the said application by proceedings dated 24.06.2019 stating that there is no scope for change of her name in the property tax assessment, as per the Government Gazette. Hence, the petitioner is before this Court.

3.On notice, the learned counsel appearing for the respondent has filed a detailed counter affidavit. A reading of the counter affidavit reveals that unless the writ petitioner has got a registered supplemental deed before the Registering Authority, to the effect of change of her new name, the respondent will not be in a position to change the assessment of the property tax in her new name. It is further seen that this supplemental deed is only for a limited purpose of change of her name and published in the



Government Gazette will get merged with the original sale deed of the petitioner, so that, in future, any purchaser of that property will get a clarity, which will avoid all confusions, disputes and litigations.

4.I have considered the rival submissions made by both sides.

5.A reading of the Government Gazette shows that the petitioner has changed her name viz., Meena, W/o.Kumar Alagappan to Meenakshi Alagappan. It is gazetted as Item No.3864, of the Tamil Nadu Government Gazette Part IV Section 4, dated 20.02.2019. It is well known that if a person wants to change the name, has to issue gazette publication after following the due procedure. Once the name of the person is changed, the name in all other records deemed to have been changed, as published in the Government Gazette. But, the action of the respondent directing the petitioner to execute a supplemental deed in order to give clarity to the future purchaser and to avoid all confusions, disputes and litigations is overwhelming by over enthusiastic. Assuming that the petitioner inherits a property by descendant ie., from her forefathers, the respondent cannot ask to get the rectification in the ancestral deed, where the name of the petitioner would not even find place. Therefore, the rejection letter issued by the respondent is not acceptable. Once, it is published in the Government Gazette, a duty is cast upon the part of the respondent to take action on the basis of the publication. Accordingly, the order passed by the respondent, dated 24.06.2019 is set aside and a direction is issued to the respondent to change the name of the petitioner as Meenakshi Alagappan in the property tax assessment forthwith.

6.With the above observation, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

The Commissioner, The Karaikudi Municipality, Karaikudi.

+1 CC to M/s.P.MAHENDRAN, Advocate SR-92911.

+1 CC to M/s.M.Dinesh, Advocate, Sr.No.17882.

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