

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.17391 of 2016

Dr.Francis Pinto

...Petitioner

Vs

1. The Coimbatore Municipal Corporation,
Coimbatore.

2. A.Abdul Rahim

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to re-transfer the property tax assessment number 51331944 from the name of the 2nd respondent to the name of the petitioner.

For Petitioner : Mr.S.Mukunth
for M/s.Saravabhauman Asso.

For Respondents: Mr.K.Magesh, SC for R1
Mr.AE.Ravichandran for R2

O R D E R

Today, the matter is called through video conferencing. By consent of both the parties, the present Writ Petition is taken up for final disposal.

2. The limited prayer sought for in the writ petition is for a direction to the 1st respondent to re-transfer the property tax assessment number 51331944 from the name of the 2nd respondent herein to the petitioner's name.

3. According to the learned counsel for the petitioner, the right and title over the subject property was determined in favour of the petitioner herein in a suit initiated by the 2nd respondent in O.S.No.595 of 2004, which has become final, when the Judgement and Decree came to be confirmed in an appeal upto Hon'ble

Supreme Court.

4. This submission is not controverted by the learned counsel appearing for the 2nd respondent. Thus, it is clear that in view of the Judgement passed by the Civil Court, the 2nd respondent does not have title or right over the subject property. As such, the petitioner herein will be justified in seeking for re-transfer of the assessment in his name.

5. In the light of the above observations, there shall be a direction to the 1st respondent herein to re-transfer the property tax assessment number 51331944 from the 2nd respondent's name to the petitioner's name, atleast within a period of 2 weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk

To

The Coimbatore Municipal Corporation,
Coimbatore.

+1cc to Mr.K.Magesh, Advocate, S.R.No.24860

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PVS (CO)

CB(18/08/2020)

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