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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.10.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.5713 of 2011

K.Anitha ... Petitioner

Vs.

1.The Commissioner,
Avaniyapuram Municipality,
Avaniyapuram, Madurai District.

2.The Executive Officer,
Avaniyapuram Municipality,
Madurai.

3.Kannan @ Kamala Kannan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus, calling for the records of the order passed by the second respondent in Na.Ka.No.714/2011/A3, dated 04.05.2011 and quash the same and consequently direct the second respondent to accept the house tax payable by the petitioner.

For Petitioner : Mr.C.Vakeeswaran

For 1st Respondent : Mr.K.Govindarajan

For 3rd Respondent : Mr.M.Alagappan

ORDER

Heard the learned counsel for the petitioner and the learned counsel for R1. The private respondent/R3 was served and he also entered appearance through counsel. But the counsel who entered appearance for the third respondent have filed a memo withdrawing his appearance. It is for the third respondent to make an alternative arrangement. This Court is not obliged to issue one more summon to the third respondent.

2.The petitioner and the third respondent are wife and husband. It appears that their matrimonial relationship had come under strain. The third respondent had applied for dissolving his

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marriage with the petitioner. But, when the going was good, the third respondent had settled the petition mentioned property in favour of the petitioner vide settlement deed dated 25.04.2008. Subsequently, the same was unilaterally cancelled by the third respondent. The petitioner filed O.S No.77 of 2011 before the District Munsif Court, Madurai Taluk for getting a declaration that the cancellation was band in law. The suit was decreed. Questioning the same, the third respondent had filed an appeal. It is stated by the petitioner counsel that the appeal suffered a dismissal for default.

3.In the meanwhile, the local body had changed the property tax assessment in respect of the said property from the name of the petitioner to that of the third respondent. All that the petitioner wants is that the local body must abide by the outcome of the civil proceedings. The property was originally located within the territorial limits of the Avaniyapuram Municipality. Thereafter, the said municipality had merged with the Madurai Corporation. Therefore, I direct the Commissioner, Madurai City Municipal Corporation to effect appropriate mutation in the assessment register in the name of the petitioner herein. It is needless to mention that such registration and mutation would abide by the final outcome of the suit proceedings pending between the petitioner and the third respondent.

4.The writ petition is allowed in the above terms. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner,
Madurai City Municipal Corporation
Madurai.

+1 CC to Mr.K. GOVINDARAJAN, Advocate (SR-18904[F] dated 05/10/2020)

+1 CC to Mr.C. VAKEESWARAN, Advocate (SR-18913[F] dated 05/10/2020)

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