



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10330 of 2014

WEB COPY

B.Saravanan

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation, Madurai.

2.Thirumurugan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue property tax receipt in the name of the petitioner alone deleting the entries made in favour of the second respondent and one Mahalakshmi and consequently take necessary steps to effect changes in property tax in Assessment No.665801, property tax receipt No.NCC6/20061028712, dated 11.04.2014 pertaining to the rice mill property situated at Plot No.4/2, R.S.No.25/9, Alagarcoil Road, Moondru Mavadi, Madurai within the time period stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.T.S.Mohammed Mohideen
For R2	: Mr.S.Karthik

O R D E R

Heard the learned counsel on either side.

2.The grievance of the petitioner is that the petition mentioned property was originally assessed in the Corporation records in the name of Thiru.Poomari. The said Poomari is none other than the father of the petitioner. He passed away. Thereafter, the property was assessed in the name of the petitioner. But, subsequently, some disputes arose between the petitioner and the second respondent's family. The petitioner and the second respondent are first cousins. In order to ensure that there is no cloud on his title, the petitioner's family filed O.S.No.37 of 2013 before the District Court, Madurai and also obtained an order of interim injunction. The suit is still pending. During the pendency of the civil proceedings, the assessment register was changed and the property is now standing in the name of the second respondent.

3.The stand of the respondents is that status quo as on date <https://hcservices.com/stn/mhcservices/> all the suit proceedings are over. The learned



standing counsel for the Madurai Corporation also states that the Corporation will abide by the outcome of the civil proceedings and that they will not touch the matter. I wanted to know whether the property in question originally stood in the name of the petitioner and earlier in the name of his father and whether the petitioner was put on notice before the mutation was effected. For that, the learned Standing Counsel is not having instructions.

4.I therefore remand the matter to the file of the first respondent. The first respondent will hold a fresh enquiry, in which, the petitioner as well as the second respondent will be associated. Final order will be passed within a period of twelve weeks from the date of receipt of a copy of this order. The only question that will have to be dealt with by the first respondent is whether the petitioner was put on notice before the mutation. If not, the first respondent will restore the name of the petitioner. Of-course, it will abide by the eventual outcome of the civil proceedings. This writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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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 Corporation, Madurai.

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-18897[F]
dated 05/10/2020)

+1 CC to Mr.T.S. MOHAMED MOHIDHEEN, Advocate (SR-18932
[F] dated 05/10/2020)

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KG (CO)

KM (03.11.2020) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>