



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.4446 of 2017

and

W.M.P. (MD)Nos.3569 and 3570 of 2017

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A.Xavier

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Block Development Officer,
(Village Panchayats),
Dindigul Panchayat Union,
Dindigul.

3.The Panchayat President,
Periyakottai 1st Grade Panchayat,
Periyakottai,
Dindigul East Taluk,
Dindigul District.

4.A.Christhuraraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to new assessment made by the third respondent in favour of the fourth respondent in property tax assessment No.2427 in the year of 2014-2015 by way of reply dated 19.11.2014 in connection with the reply by the RTI Act on 28.05.2015 and quash the same and consequently, directing the third respondent for maintaining the earlier assessment in the name of the petitioner and continuously collect the house tax from the petitioner alone.

For Petitioner : Mr.J.Alaguram Jothi

For R1 to R3 : Mrs.S.Srimathy

Special Government Pleader

O R D E R

Heard Mr.J.Alaguram Jothi, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

2. The petitioner questions the mutation made in favour of the fourth respondent in respect of the subject property.

3. It is seen that the property in question originally
<https://hcservices.ecourts.gov.in/hcservices/>



belonged to Thiru.Arputham, father of the petitioner and the fourth respondent. The petitioner and the fourth respondent are brothers. The petitioner's father appears to have executed a settlement deed in favour of the petitioner. It is seen that the said settlement deed was declared as illegal by the trial Court. The learned counsel for the petitioner would contend that the suit pertained to the adjacent property and that without even proper pleadings, an illegal declaration was made by the trial Court.

4. Be that as it may, the first appeal filed by the petitioner herein suffered dismissal. It is admitted that the matter is now pending before this Court in S.A.(MD)Nos.162 of 2017 and 122 of 2019. The petitioner's father had subsequently executed a Will in favour of the fourth respondent bequeathing the property in his favour. The petitioner contends that he is in possession of the property. I am not in a position to render any finding as regards the possessory claim of the petitioner. All that I can direct is that the second and third respondents shall abide by the outcome of the aforesaid two appeals, to which the petitioner as well as the fourth respondent are parties.

5. With this direction to the second and third respondents to abide by the outcome of the second appeals pending before this Court, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

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Sub Assistant Registrar(CS)

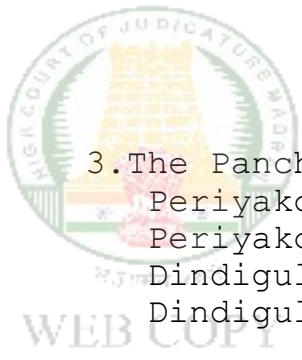
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant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

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Block Development Officer,
(Village Panchayats),
Dindigul Panchayat Union,
Dindigul.

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3.The Panchayat President,
Periyakottai 1st Grade Panchayat,
Periyakottai,
Dindigul East Taluk,
Dindigul District.

W.P. (MD) No.4446 of 2017
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