



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.3505 of 2016

W.P. COPY

M.S.Kannan @ Manikam

.. Petitioner

Vs.

1.The Assistant Director (Town Panchayat)
Zonal Directorate,
Dindigul, Dindigul District.

2.The Executive Officer,
Nattam Town Panchayat (Selection Grade),
Dindigul District.

3.Boomi

4.Arjunan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st and 2nd respondents to take suitable action against the illegal corrections effected for the property at Old No.125, New No.63 and 63A, 1st Street, Ward No.15, Nattam Town Panchayat, Dindigul District from the name of A.S.Manikam Chettiar into the name of the 3rd and 4th respondents without notice to the petitioner in the property tax assessment No.4141 and 4142 of Nattam Town Panchayat.

For Petitioner : Mr.D.Malaichamy

For Respondents : Mr.A.Muthukaruppan for R1 and R2
Additional Government Pleader
Mr.P.Vairava Sundaram for R3 and R4

ORDER

This writ petition is filed for issuing a Writ of Mandamus, directing the 1st and 2nd respondents to take suitable action against the illegal corrections effected for the property at Old No.125, New No.63 and 63A, 1st Street, Ward No.15, Nattam Town Panchayat, Dindigul District from the name of A.S.Manikam Chettiar into the name of the 3rd and 4th respondents without notice to the petitioner in the property tax assessment No.4141 and 4142 of Nattam town Panchayat.

2.The dispute appears to be in relation to the property tax assessment in respect of the property in dispute. It is admitted that the property originally belonged to one A.S.Manikam who is the father of one Mr.Sivanthi Chettiar. It is admitted that the said A.S.Manikam died long back. It appears that the property was later sold by one of the sons of Mr.A.S.Manikam namely Mr.Sivanthi in



favour of the father of respondents 3 and 4. It appears that several properties have been dealt with by Mr.Sivanthi. The petitioner's mother has filed a suit in O.S.No.372/1983 before the Sub Court, Melur. The said suit is now pending before the District Munsif-cum-Judicial Magistrate, Natham in O.S.No.148 of 2006. The name of property tax assessment was changed in favour of father of respondents 3 and 4 and thereafter in favour of respondents 3 and 4 after the death of their father. Though the transfer of assessment was during the pendency of the suit, it is based on the alienation much prior. It is represented that the validity of sale is also the subject matter of the suit. In such circumstances, this Court is of the view that it is not necessary to adjudicate any issue on title, since the dispute is already pending before Civil Court. The sale deed in favour of father of respondents 3 and 4 was about 4 decades back and it was acted upon.

3. Accordingly, this writ petition is dismissed and this Court direct the parties to work out their remedy before the Civil Court. Further, it is made clear that depending upon the out come of the civil Court's decree, the parties can work out their remedy. It is open to the Civil Court to deal with the issues purely on merits uninfluenced by any of the observation made by this Court in this writ petition. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The Assistant Director (Town Panchayat)
Zonal Directorate,
Dindigul, Dindigul District.

2.The Executive Officer,
Nattam Town Panchayat (Selection Grade),
Dindigul District.

+1 CC to M/s.P.VAIRAVASUNDARAM, Advocate (SR-7307[F] dated 20/02/2020)

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-7470[F] dated 21/02/2020)

W.P.(MD).No.3505 of 2016

20.02.2020

KK/02.03.2020/2P-5C