

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.9622 of 2018
and WMP No.11543 of 2018

K.Muruganandham

... Petitioner

Vs.

The Commissioner,
Pallipalayam Municipality,
Pallipalayam,
Kumarapalayam Taluk,
Namakkal District.

...Respondent

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's name in the records of the respondent in respect of the property bearing Door No.89, Sundaram Theatre Road, Pallipalayam Amani Village, Kumarapalayam Taluk, Namakkal District comprised in Old Natham Survey No.319/2 New S.No.563/14 to an extent of 468 sq.ft in terms of sale deed dated 17.11.2016 registered as Document No.2676 of 2016 on the file of Sub-Registrar, Pallipalayam.

For Petitioner : Mr.S.Tamil Murugan

For Respondents : Mr.R.Sreerangan

ORDER

This Writ Petition is filed for issuance of a writ of mandamus directing the respondent to transfer the petitioner's name in the records of respondent in respect of the property bearing Door No. 89, Sundaram Theatre Road, Pallipalayam Amani Village, Kumarapalayam Taluk, Namakkal District.

2. The property, in respect of which the transfer of assessment is sought for is situated in the new Survey No.563/14 to an extent of 468 sq.mt. The petitioner states that he purchased the property viz., land and building, as described in the prayer, by a sale deed dated 17.11.2016. It is stated that the sale deed is a registered one vide Document No.2676 of 2016 before the Sub-Registrar, Pallipalayam. The petitioner seeks

transfer of municipal records to his name on the basis of the sale deed. In this regard, he has made a representation to the respondent.

3. The learned counsel appearing for the respondent pointed out that the petitioner himself admit in his application that the previous owner, recognized by the local body, is one Rakkammal and that the petitioner has not obtained any document from the said Rakkammal to get his name included for the purpose of assessment. From the record, it is seen that the petitioner purchased the property from one Parvathi, wife of Palaniappan. From the sale deed, it is clear that the said Parvathi is not claiming ownership under original owner by name Rakkammal, who was recognized as owner. The petitioner in his representation as well as before this Court pleaded that the petitioner is seeking transfer on the basis of the sale deed obtained by him and not by any document of conveyance either from Rakkammal or from anyone claiming title under Rakkammal.

4. In the said circumstances, the transfer of revenue records or municipal records cannot be claimed as a matter of right by the petitioners. The respondent cannot be directed to transfer the name of the petitioner in the municipal records. However, it is open to the petitioner to approach the Civil Court for appropriate relief by impleading the necessary and proper parties against whom he claims title. If the petitioner approaches the respondent on the basis of Civil Court's decree, the respondent may consider the application within a reasonable time from the date of such application on the strength of Civil Court's decree.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

lpp

To
The Commissioner,
Pallipalayam Municipality,
Pallipalayam,
Kumarapalayam Taluk,
Namakkal District.

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+1cc to Mr.C.Prabakaran, Advocate, S.R.No.17485

+1cc to Mr.M.Balakrishnan, Advocate, S.R.No.16640

W.P.No.9622 of 2018

PL (CO)
KM(20/04/2021)



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