



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)No.9156 of 2011 AND

M.P.(MD)Nos.1 & 2 of 2011

WEB COPY

Irulappa Devar

... Petitioner

Vs.

1. The Commissioner,
Municipality, Aranthangi.

2. Sami Devar
3. Valliammai
4. V.Aadhiappan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order of the first respondent's property tax work sheet dated 14.07.2010 issued in the name of respondents 2 and 4 and quash the same as arbitrary and illegal.

For Petitioner	: Mr.K.Baalasundharam
For R-1	: Mr.K.P.Krishna Das
For R-2 to R-4	: Mr.N.Balakrishnan

O R D E R

Heard the learned counsel on either side.

2. The petitioner is aggrieved by the mutation of the records in the matter of property tax assessment earlier. The assessment was in the name of the petitioner and thereafter it has been changed in the name of the second respondent. This is questioned in the writ petition on the ground that the first respondent did not put the petitioner notice. I am not persuaded by the said submission.

3. As rightly pointed out by the learned Standing counsel appearing for the Municipality, Municipality gave effect to the civil Court's decree that was obtained in favour of the second respondent. The petitioner's counsel pointed out that an appeal has been filed against the same. I asked a specific question as to whether any interim order has been obtained. The answer is in the negative. On the ground of mere pendency of the appeal, the petitioner cannot seek to defer the enforcement of the civil Court's order. I make it clear that mutation now effected by the Municipality will abide by the outcome of the civil proceedings.



4. With this observation and clarification, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

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,
Municipality, Aranthangi.

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-2231[F] dated 27/01/2021)

W.P. (MD)No.9156 of 2011
25.01.2021

(KM) CO

AP (02/02/2021) 2P 3C