



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.9037 of 2013

and

M.P (MD) .No.1 of 2013

WEB COPY

K.Malar

.. Petitioner

Vs.

1. The Commissioner,
Municipality,
Pudukottai Town and District.

2. The District Registrar,
Pudukottai Town and District.

3. C.N.Madava Rao

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order, dated 29.04.2013 made in Na.Ka.No.5683/2013/A1 passed by the 1st respondent.

For Petitioner	: Mr.V.Singan
For Respondent No.1	: Mr.P.Mahendran Standing Counsel
For Respondent No.2	: Mr.R.Murugan Government Advocate
For Respondent No.3	: Mr.P.Ganapathi Subramanian

ORDER

Prayer sought for herein is for a Writ of Certiorari, calling for the records relating to the impugned order, dated 29.04.2013, made in Na.Ka.No.5683/2013/A1, passed by the first respondent and quash the same.

2.In respect of the property, in T.S.No.256, 257 & 255 in Door No.81/60 at Pudukottai Town, Pudukottai District, it is the claim of the petitioner that the petitioner is the owner of the property, and in that strength, the municipality already assessed the property for property tax in the name of the petitioner, by proceedings, dated 23.05.2011.

3.However, the said proceedings have been cancelled by the proceedings of the first respondent municipality, dated 29.04.2013, on the ground, the document registered in the concerned Registrar office in Document No.2612/2011 was cancelled by the Registrar concerned, with the result, the property claimed to have been in the name of the petitioner stood reverted back to one, Mrs.Pramila, and therefore, the earlier proceedings issued by the first respondent



municipality, dated 23.05.2011 has been cancelled through the order, dated 29.04.2013 of the first respondent. Felt aggrieved over the same, the present writ petition has been filed.

4. Heard Mr.V.Singan, learned counsel for the petitioner, who submits that, the said Pramila herself is no more and legal heirs have come. The third respondent, being the contesting respondent, between them, that is, the petitioner and third respondent and others, there has been a Civil Suit filed and it is pending in O.S.No.25 of 2019, on the file of the I-Additional Sub Court, Pudukkottai and therefore, the learned counsel appearing for the petitioner would submit that depending upon the outcome of the Judgment and Decree, the right of the petitioner to claim the ownership over the property in question, and consequently, to claim the assessment of the property is concerned, by the first respondent municipality for the purpose of the property tax, can be persuaded.

5. The said view expressed by the learned counsel appearing for the petitioner is not controverted by Mr.P.Ganapathy Subramanian, learned counsel appearing for the third respondent, and he has also endorsed that, in view of the Civil suit is pending, which is posted for hearing very shortly, depending upon the outcome of the Civil Court decree, parties can be permitted to work out their remedy.

6. In view of the said stand taken by both the learned counsel appearing for the petitioner as well as the third respondent, being the contesting respondent, this Court feel that, at present, the impugned order need not interfered with. However, it is open to the petitioner or the third respondent or any other person under them, can make a claim and work out their remedy with regard to the ownership of the property concerned, or the assessment of the property for the purpose of property tax by the first respondent municipality, depending upon the outcome of the Judgment and Decree, to be passed in the pending Civil Suit referred to above by the concerned Court.

7. Till such time, the order impugned in this writ petition need not be interfered with.

8. With these observations, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

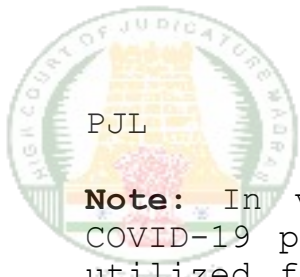
Sd/-

Assistant Registrar (Cs-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



PJL

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 Commissioner,
Municipality,
Pudukottai Town and District.
2. The District Registrar,
Pudukottai Town and District.

+1 CC to M/s.SPL.GP (SR-31025[F] dated 04/10/2021)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-31112[F] dated 04/10/2021)

W.P. (MD) No.9037 of 2013
01.10.2021

SRK(CO)
KB(16.11.2021) 3P 5C