



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8614 of 2021
and W.M.P. (MD) .No.6485 of 2021

WEB COPY

G.Antony Raj

... Petitioner

Vs.

1.The District Collector cum Inspector of Panchayath,
Tuticorin District.

2.The Block Development Officer,
Village Panchayat, Kayathar, Tuticorin District.

3.The President,
Kamanayakkanpatti Panchayath,
Kayathar Taluk,
Tuticorin District.

4.Bhakiyanathan

5.I.Anthony Rajan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent's resolution under the proceedings Nil dated 27.11.2020, through which the property tax was transferred in the name of the respondents 4 & 5 in respect of the petitioner's property comprised in Survey No.266/16A, in Door No.1/61-1, 1/61-2, 1/64, Kamanayakkanpatti Village, Kayathar Taluk, Tuticorin District and declare the same as illegal, unsustainable and consequently, direct the 1st respondent conduct an enquiry as against the 3rd respondent for the illegal resolution passed by her on the basis of the petitioner's notice dated 20.03.2021 and to restore the property tax in the name of the petitioner's father within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mrs.M.Rajeswari for R1 & R2
Government Advocate

ORDER

This writ petition has been filed challenging the impugned Resolution passed by the third respondent, dated 27.11.2020, which according to the petitioner had resulted in the private respondents getting the property tax transferred in their name.



2. Heard Mr.M.Ponniah, learned counsel for the petitioner and Mrs.M.Rajeswari, learned Government Advocate, for the respondents 1 and 2.

3. In the considered view of this Court, the petitioner had already approached this Court and filed W.P.(MD).No.18068/2020, challenging the registration of the documents in favour of the private respondents. This Court dismissed the writ petition by order, dated 17.02.2021, on the ground that the petitioner has already filed a substantial suit in O.S.No.164 of 2020 before the Sub Court, Kovilpatti and therefore, the petitioner has to workout his remedy only in the pending suit and he cannot be allowed to parallelly file writ petitions challenging the other attendant proceedings pertaining to the subject property. The reasons given by this Court while dismissing the earlier writ petition will equally apply to the present writ petition also. The petitioner has filed the suit seeking for the relief of declaration, permanent injunction and other consequential reliefs pertaining to the subject properties against the private respondents as well as the officials. While so, the petitioner cannot parallelly file independent writ petitions as against the registration, transfer of electricity connection, transfer of name in the property tax etc., All these grievances will be ultimately redressed once the suit is disposed of one way or the other. Therefore, the petitioner cannot be allowed to approach this Court again and again and it is made clear that the petitioner has to workout his remedy only before the competent Civil Court, where the suit is pending.

4. In view of the above, this Court does not find any ground to entertain this writ petition and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Collector cum Inspector of Panchayath,
Tuticorin District.

2. The Block Development Officer,
Village Panchayat, Kayathar, Tuticorin District.



3.The President,
Kamanayakkanpatti Panchayath,
Kayathar Taluk,
Tuticorin District.

+1 CC to M/s.M.PONNIAH, Advocate (SR-17673[F] dated 27/04/2021)

+1 CC to M/s.SPL GP (SR-17892[F] dated 28/04/2021)

+1 CC to M/s.SPL GP (SR-18071[F] dated 29/04/2021)

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27.04.2021

AS(11.06.2021) 3P 7C