



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.16436 of 2020

and

WMP (MD)No.13751 of 2020

WEB COPY

B.V.Jeyasekar

... Petitioner

Vs.

1.The Commissioner,

Madurai City Municipal Corporation,
Madurai.

2.The Assistant Commissioner,

Madurai City Municipal Corporation,
Zone No.3, Madurai.

3.K.V.R.S.Prabakaran

... 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 impugned order dt 7.10.2020 in Ma3A8/04921/2020 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.K.Govindarajan for R1

: Mr.R.Parthiban for R3

O R D E R

Heard the learned counsel on either side.

2.The property in question originally stood in the name of one B.K.Lalitha. The said Lalitha passed away. It is stated that she was survived by her husband B.V.Kulasekar and that they did not have children. The husband of Lalitha also passed away thereafter. The property tax assessment was changed in favour of the siblings of Lalitha's husband. That was objected to by the third respondent. The third respondent is the brother of Lalitha. Taking note of the objections raised by the siblings of Lalitha, the impugned order came to be passed and the name of Lalitha was restored in the property tax assessment register. This is under challenge in this writ petition.



3.The learned counsel for the writ petitioner pointed out that the third respondent filed a civil suit seeking the relief of declaration and that the same was dismissed for default. The suit is yet to be restored. It appears that the siblings of Lalitha's husband are in occupation of the property in question. The assessment register cannot stand in the name of a dead person. Therefore, I set aside the impugned order and direct the respondents 1 and 2 to restore the names of the siblings of B.V.Kulasekar. Of course, this will not confer any right as such on them and the parties will have to work out their remedies before the jurisdictional civil court. The rights of the parties will abide the outcome of the civil suit.

4.With this clarification and direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Skm

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.

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-218[F] dated 06/01/2021)
+1 CC to M/s.T.R.JEYA PALAM, Advocate (SR-226[F] dated 06/01/2021)
+1 CC to M/s.M.RAJARAMAN, Advocate (SR-402[F] dated 07/01/2021)

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SMV (CO)

NR (04/02/2021) 2P : 4C