



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.10.2021**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18372 of 2021

A.Winston Daniel Raj

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai

... Respondent

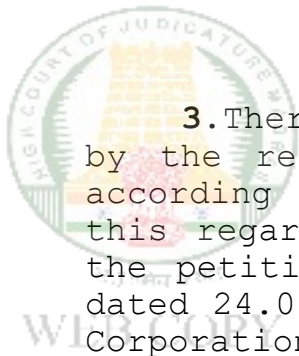
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to process the application of the petitioner dated 24.01.2020 in accordance with law and make necessary corrections to the property tax assessment register by including the name of the petitioner in respect of the property in Door Number 5, Perumalnandhavanam street, zone-4, ward No.87 of Madurai City Municipal Corporation, Madurai.

For Petitioner : Mr.N.Ananthapadmanabhan
for M/S.APN Law Associates
For Respondent : Mr.K.K.Kannan
Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondent to process the application of the petitioner dated 24.01.2020 in accordance with law and make necessary corrections to the property tax assessment register by including the name of the petitioner in respect of the property in Door Number 5, Perumalnandhavanam Street, Zone-4, Ward No.87 of Madurai City Municipal Corporation, Madurai.

2.The house property in Door Number 5, Perumalnandhavanam Street, Zone-4, Ward No.87, situated at the respondent Corporation originally belongs to the father of the petitioner and subsequently, by a registered will, the same has been bequeathed in favour of the petitioner. The father of the petitioner also is no more. Along with the death certificate with a copy of the registered will, the petitioner made an application to the respondent Corporation on 24.01.2020, for change of name in the property tax Register and to assess the property in question in favour of the petitioner for paying the property tax.



3. Thereafter, it seems that some clarifications were sought for by the respondent Corporation and that has also been clarified, according to the petitioner, by making written representation in this regard on 04.08.2021. Despite these kind of efforts taken by the petitioner, the said application submitted by the petitioner dated 24.01.2020 since has not been so far decided by the respondent Corporation, the petitioner has approached this Court by filing the present Writ Petition.

4. Heard Mr.N.Ananthapadmanabhan, learned counsel appearing for the petitioner, who having reiterated the aforesaid, seeks indulgence of this Court to issue a direction to the respondent.

5. Heard Mr.K.K.Kannan, learned Standing Counsel appearing for the respondent Corporation, who would submit that, if there is any dispute with regard to the ownership of the property, unless and until that is resolved, the Corporation being the local body, only for the purpose of assessment of property tax, cannot decide the title over the property. Therefore, the learned standing counsel would submit that, if there is any other impediment to decide the application for transfer of the name in the Property Tax Register in favour of the petitioner, that would be considered. However, if there is any objection from anybody with regard to the ownership of the property, that can be relegated to the concerned Court for resolution, he contended.

6. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. Assuming that if there is any dispute with regard to the ownership of the property, in respect of which, the documents submitted by the petitioner can very well be perused by the respondent Corporation and if they satisfy that the petitioner is the absolute owner of the property, there can be no further impediment to consider the request of the petitioner for transfer of the property tax registered in the name of the petitioner. However, if there is any rival claim with regard to the ownership of the property, it is open to the respondent Corporation to relegate the parties to approach the competent civil Court to resolve the said issue. Otherwise, the application submitted by the petitioner cannot be kept pending by the respondent Corporation. Therefore, it can be decided on merits and a disposal can be given within the timeframe.

8. In that view of the matter, this Court inclined to dispose this Writ Petition with the following order:

that there shall be a direction to the respondent Corporation to consider the application of the petitioner dated 24.01.2020 and pass orders thereon, on merits and in



accordance with law, by taking into account the documents submitted therein as well as the further representation dated 04.08.2021 and such final order shall be passed on the said application dated 24.01.2020, within a period of four weeks from the date of receipt of a copy of this order.

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9. With these directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.K.KANNAN, Advocate (SR-31674[F] dated 07/10/2021)

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07.10.2021

VR (CO)

KB(18.11.2021) 3P 2C