



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.19866 of 2020

P.Balakrishnan

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Aringnar Anna Maligai,
Out Post, Thallakulam, Madurai - 625 002.

2.The Tax Assessment Zonal Officer,
Zonal Office-Z-VI,
Madurai Corporation,
Zone-CC- (Z4),
Jansi Rani Park, Periyar, Madurai Main,
Periyar Bus Stand, Madurai - 625 001.

...Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to consider and take appropriate steps for effecting necessary changes in the name of the writ petitioner in respect of assessment of House Tax No.115/085/01546 Old Connection No.115/71076, Water Connection No.115/085/01546 Old Connection No.115/71076 and Underground Drainage No.115//085/01546, Old Connection No.115/71076 for the ground and first floor portion of the house property situated at Madurai Town Survey Ward No.3, Old Corporation Ward No.38, Present New Corporation Ward No.85, T.S.No.763, Madurai Corporation Tax Assessment No.71076, bearing Door No.84A, Mela Chetty Street, Madurai City of an extent of 1865¾ sq.ft, by considering the petitioner's representation, dated 12.12.2020.

For Petitioner
For Respondents

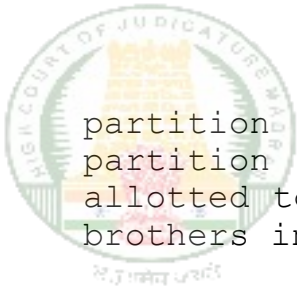
: Mr.A.Saravanan
: Mr.K.Govindarajan

ORDER

Heard the learned Counsel for the Writ Petitioner and the learned Standing Counsel appearing for the respondent Corporation.

2.The case on hand pertains to making changes in the assessment records of the Corporation in respect of the petition mentioned property.

3.The property was sold in favour of the petitioner's family. The petitioner's family had put up a storeyed construction in the land purchased by them. It appears to be a three storeyed house. Dispute arose among the brothers and that led to filing of a



partition suit. A final decree has also been passed in the partition suit. The petitioner states that the ground floor was allotted to him and other two floors were allotted to the other two brothers in the preliminary decree.

4.The learned Counsel for the petitioner firmly states that the partition suit proceedings has been concluded. Further, he would state that one of the petitioner's brothers had executed settlement deed in his favour in respect of the first floor. The claim of the petitioner is that the ground floor and the first floor of the building are vested with the petitioner and the dispute is pending only with regard to the second floor.

5.The respondents are directed to issue notice to all the stakeholders and after hearing them, pass appropriate orders on merits and in accordance with law. This exercise shall be concluded within a period of sixteen (16) weeks from the date of receipt of a copy of this order. The respondents shall take into account the final orders passed by the jurisdictional Civil Court and the documents said to have been executed in favour of the petitioner herein. Of-course, before passing final orders, the respondents will issue notices to the petitioner's brothers and pass final orders. If the petitioner is still having any grievance about the final order passed by the respondents, the petitioner will have to necessarily move the jurisdictional Court.

6.The Writ Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

+3 CC to Mr.A.SARAVANAN, Advocate (SR-3255[F] dated 04/02/2021)

+1 CC to Mr.K.GOVINDARAJAN, Advocate (SR-3568[F] dated 05/02/2021)

+3 CC to Mr.A.SARAVANAN, Advocate (SR-3663[F] dated 08/02/2021)

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(SMV)

KV(18.02.2021) 2P 8C