



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No.20840 of 2021

and W.M.P.(MD)No.17458 of 2021

WEB COPY

S.R.Velmurugan

... Petitioner

Vs.

1.The Commissioner,
Dindigul Municipal Corporation,
Dindigul,
Dindigul District.

2.A.Ponnusamy Selvamani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent herein in Pa.Ko.51/Pe.Ma.M.No.191/2019/A5, dated 27.08.2019 and quash the same and consequently directing the 1st respondent to assess the house tax assessment and water charges in the name of the petitioner.

For Petitioner	: Mr.M.Muthugeethayan
For Respondents	: Mr.J.Lawrance, Standing Counsel for R1.

O R D E R

Mr.M.Muthugeethayan, learned counsel on record for the lone writ petitioner and Mr.J.Lawrance, learned Standing Counsel for Dindigul Municipal Corporation, who accepts notice on behalf of the first respondent are before me.

2. A careful perusal of the case file and the submissions made before me bring to light two points. One is the entire matter on hand turns on an extremely narrow compass. The second point is, captioned writ petition can be disposed of by making an order which can adequately and amply protect the rights of the second respondent.

3. Therefore, main writ petition was taken up with the consent of both the aforementioned learned counsel.

4. Subject matter of captioned writ petition pertains to a immovable property at 'door No.9, Pon Seenivasan Nagar, comprised in T.S.No.811, admeasuring a land extent of 1747 ½ sq. feet or



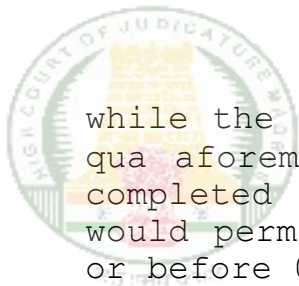
thereabouts' ('said property' for the sake of convenience and clarity).

5. Owing to the narrow compass on which the captioned matter turns, short facts shorn of granular particulars will suffice. Short facts are that said property was originally purchased by one Mr.C.Padmanaban (Son of Chellaiah Pillai) by way of two registered sale deeds; that thereafter settlement deed was executed by him in favour of one daughter, who in turn executed further settlement in favour of the writ petitioner and there appears to be another sale deed in favour of the second respondent *inter alia* cancelling the settlement deed; that it is not necessary to delve further into these aspects of the matter; that it will suffice to say that it appears to be a tussle between two sons in law of said Mr.C.Padmanaban i.e., writ petitioner, who has married said Mr.C.Padmanaban's daughter M.Senthil Vadivu and second respondent, who had married Mr.C.Padmanaban's first daughter Jegadeeswari; that there is also a civil suit pending in this regard, the civil suit being O.S.No.452 of 2019 on the file of Principal Subordinate Judge's Court, Dindigul; that the property tax assessment qua said property which was transferred in the name of writ petitioner vide proceedings of first respondent dated 20.07.2017 stood in his name but on '27.08.2019, vide proceedings bearing reference Pa.Ko.51/Pe.Ma.M.No.191/2019/A5' (hereinafter 'impugned order') the property tax assessment has been transferred in the name of the second respondent on the same date without notice or any enquiry.

6. A careful perusal of the case file reveals that the impugned order has been made on the same date as that of the application without any notice to either of the parties i.e., writ petitioner or the second respondent. More particularly the impugned order does not assign any reason and it is not a speaking order. There is no dispute in this regard.

7. The impugned order does not mention the provision of law under which it has been made. I express no opinion on this aspect of the matter as I am inclined to interfere qua impugned order on the two grounds alone i.e., that the impugned order has been made on the same date as that of the application without putting the writ petitioner or the second respondent on notice and that it does not give any reason.

8. The impugned order is set aside on the aforementioned short points of being made without any notice or enquiry and being laconic. The matter is remitted back to the first respondent. The first respondent shall now consider the application of the second respondent on its own merits and in accordance with law after putting the writ petitioner and the second respondent on notice and after giving adequate / ample opportunities to both parties to set out their respective stated positions and objections. All questions raised in the writ petition are left open,



while the first respondent does this legal drill *de novo* as well as qua aforementioned civil suit. This legal drill *de novo* shall be completed as expeditiously as the business of the first respondent would permit and in any event within six weeks from today i.e., on or before 04.01.2022.

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9. Captioned writ petition is disposed of with the above directives. Consequently, captioned WMP is disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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

The Commissioner,
Dindigul Municipal Corporation,
Dindigul,
Dindigul District.

+1 CC to M/s.M. MUTHUGEETHAYAN, Advocate (SR-35529[F] dated 23/11/2021)

+1 CC to M/s.J. LAWRANCE, Advocate (SR-35591[F] dated 24/11/2021)

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RD(30.12.2021) 3P 4C