



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9986 of 2017

and

W.M.P.(MD)Nos.7641 & 7642 of 2017

M.Sahul Hameed

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District.

2.The Executive Officer,
S.Kodikulam Panchayat,
Virudhunagar District.

3.The Assistant Executive Engineer,
TANGEDCO,
Koomapatti,
Virudhunagar District.

4.Noor Mohamed

(R4 is impleaded as per the order of this Court
in W.M.P.(MD)No.15865 of 2019, dated 27.01.2021)... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned orders passed by the second respondent in his proceedings in Na.Ka.No.20/2017, dated 12.04.2017 and consequent order passed by the third respondent in his proceedings in க.எண்.உ.மி.பொ/இ&பே/கூமா/ கோ.கட்டு/அ.எண்.206/ 17 நாள் 09.05.2017 and quash the same.

For Petitioner	: Mr.C.Bethanasamy
For R1	: Ms.M.Rajeswari
	Government Advocate
For R2 & R3	: Ms.M.Parameswari
	for Mr.S.M.S.Johny Basha
For R4	: Mr.K.Navaneetharaja

ORDER

Heard the learned counsel on either side.



2.The petitioner claims to have purchased the petition mentioned property from one A.Sahul Hameed S/o.Abubuker Ravuthar by way of an unregistered sale deed. The said A.Sahul Hameed is none other than the father of the impleaded respondent. According to the petitioner, the purchase was made way back on 03.10.1994. The petitioner further claims that he put up a thatched shed in the said land and also obtained electricity connection. The petitioner has now come to this Court because the local body has cancelled the assessment of the property tax and TANGEDCO is threatening to effect disconnection.

3.It is seen that the petitioner herein has filed O.S.No.108 of 2017 on the file of the Principal District Munsif Court, Srivilliputhur. The impleaded respondent on the other has filed a partition suit in O.S.No.152 of 2017 on the file of the Sub Court, Srivilliputhur.

4.Since the rival parties have moved the competent civil Court, it would not be fair on my part to render any findings on the rival claims. I decline to interfere with the order passed by the second respondent in the matter of cancellation of assessment of property tax. However, the third respondent is restrained from effecting any disconnection. I make it clear that this order restraining TANGEDCO from effecting disconnection will not confer any advantage on the petitioner in the pending civil proceedings. It is for the Civil Court to adjudicate the issues raised before it and dispose of the suits in the manner known to law.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 District Collector,
Virudhunagar District.

+1 CC to Mr.K.NAVANETHA RAJA, Advocate (SR-2419[F] dated
29/01/2021)

W.P. (MD)No.9986 of 2017

and

W.M.P. (MD)Nos.7641 & 7642 of 2017
27.01.2021

VB (02.03.2021) 3P 3C