



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.5212 of 2016
and WMP(MD)No.4670 of 2016

Dhanapackiam

... Petitioner

Vs.

1.The Commissioner,
Karaikudi Municipality,
Karaikudi.

2.Mangayarkarasi

... Respondents

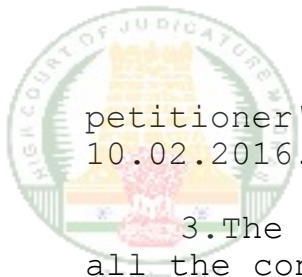
Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the 1st respondent in Na.Ka.No.10298/2015/A2 dated 10.02.2016 quash the same and directing the 1st respondent to transfer the property tax in favour of 'Meenakshi Sundaram @ Sundaram' Taxation No.5347, Town Survey No.170P, Sekkalai, Meenakshi Puram, Karaikudi, Sivagangai district accordance with law.

For Petitioner	: Mr.RM.Arun Swaminathan
For Respondents	: Ms.K.Elilselvi for R1 Mr.R.Sundar Srinivasan for R2

ORDER

Heard the learned counsel on either side.

2.The issue is regarding the mutation in respect of the subject property in the property tax register. The case of the petitioner is that the property was purchased by her father-in-law in the name of her brother in law Saravanan. She would further claim that in the year 1990, a formal arrangement has been entered into between the parties. In terms of the said formal arrangement, portion of the said property was allotted to the petitioner's husband's branch while the remaining portion was allotted in favour of another brother in law. Saravanan was said to have been allotted some other property. Saravanan is said to have passed away. Mutation in respect of the property was changed from Saravanan to the name of his wife Mangayarkarasi. This was challenged by the petitioner. The petitioner submitted a representation to the first respondent demanding that mutation should be made in her favour. The



petitioner's request was declined by the impugned order dated 10.02.2016. The same is challenged in this writ petition.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4.I am however not persuaded by the petitioner's contention for the simple reason that the property in question stood in the name of Saravanan. Saravanan passed away. Mutation should be made in favour of his legal heirs. If the petitioner wants to set up contrary title or rival claim, the petitioner must establish her rights in the manner known to law. The learned counsel for the petitioner relied on an unregistered document. But the unregistered document is challenged by the second respondent. Hence, the parties will have to necessarily work out their rights only before the jurisdictional civil court. It is not for the writ court to go into the contentious aspects that are anchored on an unregistered document. It is also stated that the parties have already filed a partition suit in this regard. It is for them to pursue their remedies in the manner known to law. It is not possible for this Court to grant any relief in this writ petition. Leaving open the rights of the parties, this writ petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar

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,
Karaikudi Municipality, Karaikudi.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-9655[F] dated 09/03/2021)

W.P. (MD)No.5212 of 2016
and WMP (MD)No.4670 of 2016
08.03.2021

skm
MS/26.03.2021/2P.3C

<https://hcservices.ecourts.gov.in/hcservices/>