

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.15322 of 2022

Thirumathi S.Saroja

...Petitioner

Vs.

The District Corporation Officer,
District Corporation Office,
Town Hall,
Coimbatore - 641 001.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to consider the representation dated 18.03.2022 and consequently to direct the respondent to transfer the name in the property tax and water tax from Natarajan S/o.Krishnapillai to Petitioner Mrs.Saroja and also water tax, property situated at S.F.No.56,57/B, D,.No.161, Lolly Road-1, Telugupalayam Village, Coimbatore Taluk with the extent of 402.5 sq. feet vacant land with building.

For Petitioner : Mr.P.Saravanan

For Respondent : Mrs.C.Sangamithirai
Special Government Pleader

O R D E R

Mrs.C.Sangamithirai, learned Special Government Pleader accepts notice on behalf of the respondent and has received instructions to enable a final disposal of this matter even at the stage of admission. Hence, by consent of both learned counsel, this Writ Petition is disposed finally even at this stage.

2. As rightly pointed out by the learned Special Government Pleader, this Writ Petition is misconceived. The prayer is for a mandamus directing the District Corporation Officer/the sole respondent to consider petitioner's representation dated

18.03.2022 and direct the respondent to transfer the title of the property at S.F.No.56, 57/B, Telungupalayam Village, Coimbatore Taluk, Coimbatore Registered District (property/property in question), to stand in her name.

3. The prayer is inappropriate and ought to have been raised before the Civil Court in a suit for title.

4. In fact, at Paragraph 5 of the affidavit filed in support of the writ petition, the petitioner clearly states that a request had been made before the appropriate authority/the District Corporation Officer based on the avowed settlement deed, that has been rejected assigning reasons for such rejection. The aforesaid rejection is also the subject matter of challenge in W.P.No.938 of 2022, which is stated to be pending disposal.

5. In such circumstances, I am at a loss to understand how a mandamus could be sought, as issue of mandamus would be contrary to the order of the District Corporation Officer which is, infact, challenged before this Court.

6. Though I am inclined to impose a cost for this litigation, seeing as the petitioner is stated to be 78 years old, I refrain from doing so.

7. With this, this writ petition stands dismissed.No costs.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

nst

To

The District Corporation Officer,
District Corporation Office,
Town Hall, Coimbatore - 641 001.
+lcc to Mr.P.Saravanan, Advocate SR.No.38188

W.P.No.15322 of 2022

SMI(CO)
GMV(18/07/2022)