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Writ Petition No.29815 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.29815 of 2022

a n d

W.M.P.Nos.29206, 29208 and 29209 of 2022

1. T.P.KKumaravel

2. T.A.Kaliappan

...

Petitioners

Vs

1. The District Collector
Erode District
Erode.

2. The Assistant Director of Town Panchayat
Collector Office Buildings
Erode 11.

3. The Executive Officer
Karumandichellipalayam Town Panchayat
Perundurai 638 052.
Erode District.

4. The Assistant Engineer
Perundurai North Office
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO)
Pethampalayam Road
Perundurai 638 052
Erode District.



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5. S.P.Murugesan

6. C. Pratheepkumar

7. T.P.Ramasamy

8. C. Balasubramanian

9. R. Eswarmoorthy ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records on the file of the third respondent in Na.Ka.339/2022, dated 18/10/2022 and quash the same.

For Petitioners ... Mr.N. Palanikumar

For respondents ... Mr.K.Karthick Jaganath
Government Advocate
for R.R.1 and 2.

Mr.G.Velu
Additional Government Pleader
for R.3.

Mr.I.Syed Sibghatulla
for R.4.

Mr.M.Guruprasad
for R.R.5 to 9.



ORDER

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This writ petition has been filed to quash the order, dated 18/10/2022 passed by the third respondent in Na.Ka.339/2022.

2. Brief facts leading to the disposal of the writ petition is as follows:-

The petitioners have derived the properties through partition. For financial assistance, petitioners have given the documents to the private respondents. Without the knowledge of the petitioners, private respondents have made alienation of the properties. Hence, the petitioners have filed a suit in O.S.No.151 of 2010 and the same is pending adjudication before the Sub-Court, Perundurai. When the ninth respondent has made a complaint to cancel the property tax assessment to third respondent, third respondent has cancelled the property tax assessment. Being aggrieved, the petitioner has come forward with the present writ petition praying for the relief as stated therein.

3. When the matter stood thus, in the year 2022, property tax assessment has been cancelled by the authorities. Besides they also decided to disconnect the electricity connection. Hence the writ petition.



4. Heard Mr.N.Palanikumar, learned counsel for the petitioner, Mr.K.Karthick Jaganath, learned Government Advocate for the respondents 1 and 2, Mr.G.Velu, Additional Government Pleader for the third respondent, Mr.I.Syed Sibghatulla, learned counsel for the fourth respondent and Mr.M.Guruprasad, learned counsel for the respondents 5 to 9.

5. The suit is filed in O.S.No.151 of 2010 before the Sub-Court, Perunthurai, against the respondents 5 to 7, for setting aside the sale deed executed in favour of fifth respondent and for permanent injunction restraining the disturbance of their peaceful possession and enjoyment of the property in which trial has commenced.

6. Once the Civil Court has ceased off the matter, this Court is of the view that instead of setting aside the impugned order, there shall be a direction to the Civil Court, viz., Sub-Court, Perundurai, to dispose of the suit, within a period of four months, from the date of receipt of a copy of this order, on its own merit, without being influenced by the order cancelling the assessment of the property tax which stood in the name of the petitioner. Till the rights have been adjudicated, the existing electricity connection shall not be disconnected.



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7. With the above observation, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

7/12/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

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