



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD) No.11983 of 2009
and
M.P (MD) No.1 of 2009

Shenbagavalli

... Petitioner

Vs

1.The Commissioner,
Kovilpatti Municipality,
Kovilpatti.

2.The Chairman,
Kovilpatti Municipality,
Kovilpatti.

3.P.S.A.Rajaguru

... Respondents

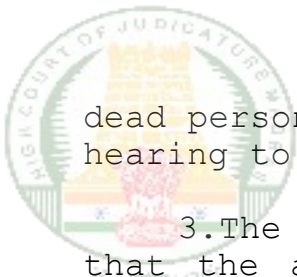
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for the records relating to proceedings of the first respondent in Na.Ka.No.9526/2009/C2, dated 07.10.2009 and quash the same as illegal and further directing the respondent Nos.1 and 2 to restore the name of the petitioner in respect of the assessment of tax in respect of the property in Door No.81 A, 81 B, 87, 88, 89 and 90 in Pillaiyar Koil Street, Kovilpatti.

For Petitioner	: Mr.M.P.Senthil
For Respondent	: Mr.Palanivelayutham
No.1	
For Respondent	: Mr.D.Gandhiraj,
No.2	Special Government Pleader
For Respondent	: No representation
No.3	

ORDER

This writ petition is filed as against the order passed by the Commissioner of Kovilpatti Municipality in favour of the third respondent.

2.The grievance of the petitioner is that when the issue with regard to the right over the property is pending in the civil suit, the first respondent transferred the assessment in the name of the a



dead person and two others, without even providing an opportunity of hearing to the petitioner.

3.The learned Counsel for the respondent Municipality submits that the assessment was transferred pursuant to the judgment and decree dated 24.04.2008 in A.S.No.69 of 207 on the file of the Sub Court, Kovilpatti.

4.The petitioner is the fifth defendant in the suit and as against the judgment and decree dated 24.04.2008, the petitioner has filed second appeal in S.A(MD)No.864 of 2008.

5.The learned Counsel on either side in the second appeal are not ready to proceed with the second appeal.

6.Considering that the writ petition is filed in the year 2009 as against transfer of assessment in favour of the third respondent made in pursuance of the judgment and decree of the Sub Court, Kovilpatti in A.S.No.69 of 2007 and the issue is now pending in S.A (MD)No.864 of 2008, this writ petition is disposed of with liberty to the petitioner to work out his remedy, after the disposal of second appeal in S.A(MD)No.864 of 2008. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

1.The Commissioner,
Kovilpatti Municipality, Kovilpatti.

2.The Chairman,
Kovilpatti Municipality,
Kovilpatti.

COPY TO:

The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-20690[F] dated 22/04/2022)

W.P (MD) No.11983 of 2009

21.04.2022

RD(02.06.2022) 2P 5C

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