



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.12111 of 2012

and

M.P. (MD) .No.2 of 2012

Selvaraj

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chennai.

2.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

3.Sridharan

... Respondents

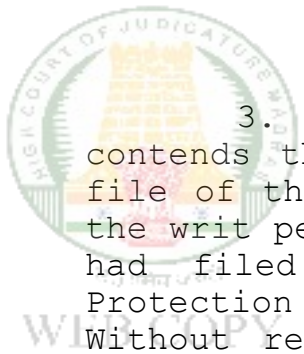
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in Na.Ka.No.2865/10/A1, dated 01.08.2012 and quash the same as illegal and directing the second respondent to restore the position of house tax assessment.

For Petitioner : Mr.J.Madhu
For R1 : Mr.N.Muthuvijayan
Special Government Pleader
For R2 : Mr.K.Mahendran
For R3 : Mr.J.Barathan

O R D E R

The present writ petition has been filed challenging an order passed by the second respondent herein under which the property tax assessment standing in the name of the writ petitioner was transferred to the name of the third respondent.

2. The learned counsel for the petitioner has submitted that though the third respondent's grandfather is the owner of the vacant site, the petitioner has put up construction and they are residing in the said property. Being the owner of the superstructure, they are entitled to have the property tax assessment in their own name.



3. Per contra, the learned counsel for the respondents contends that they have filed a suit in O.S.No.33 of 2000 on the file of the District Munsif Court, Ramanathapuram for ejectment of the writ petitioner. While the suit was pending, the writ petitioner had filed an application seeking benefit under City Tenants Protection Act. The said application was dismissed for default. Without restoring the said application, the petitioner had filed C.M.A.No.10 of 2014 before the Sub Court, Ramanathapuram. The said appeal was also dismissed on merits on 22.02.2019.

4. From the above facts, it is clear that as on today, the petitioner's application under City Tenants Protection Act has been dismissed. However, the petitioner submits that it has been challenged before this Court.

5. In view of the above said facts, it is clear that the third respondent is the owner of the vacant site and a dispute exists between the third respondent and the petitioner with regard to the superstructure. The claim made by the writ petitioner with regard to the superstructure has been dismissed and the same is pending before this Court in second appeal.

6. Considering the above said facts, I do not find that the order could be interfered with and the order passed by the second respondent herein is confirmed. However, all the rights of the writ petitioner with regard to his claim over the superstructure of the property in dispute are intact and the writ petitioner is at liberty to raise all the issues in the civil suit as well as in the second appeal pending before this Court arising out of the City Tenants Protection Act.

7. With the above observations, this Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar()

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

akv

To

1.The Commissioner of Municipal Administration,
Chennai.



2.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

+1 CC to M/s.S. MUTHUKRISHNAN, Advocate (SR-28293[F] dated
27/06/2022)

+1 CC to M/s.SPL.GP (SR-28232[F] dated 27/06/2022)

+1 CC to M/s.T.R. JEYAPALAM, Advocate (SR-28278[F] dated 27/06/2022

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SRK(CO)
KB(05.07.2022) 3P 6C