



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.308 of 2011

and

M.P(MD)Nos.1 & 2 of 2011

S.K.Sherfudeen

: Petitioner

Vs.

1.The Corporation of Tiruchirapalli,
Rep. by its Assistant Commissioner,
K.Abishekapuram,
Tiruchirapalli.

2.Ayesha Ammal

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records of the 1st respondent relating to the impugned order in Tho.Mu.5MBT/102/10/A5, dated 02.12.2010 and quash the same.

For Petitioner :Mr.M.Palani

For Respondents :Mr.J.Parekhkumar
for R.1

Ms.AL.Ganthimathi
for R.2

O R D E R

The petitioner before this Court is the brother of one Mohammed Kasim. The said Mohammed Kasim died on 26.05.2009. After his demise, the first respondent Corporation, based on the application of the second respondent / wife of Mohammed Kasim, transferred the assessment in her name. The petitioner, claiming to be the brother of Mohammed Kasim, is aggrieved over such transfer and has moved this writ petition.

2.Learned Counsel for the petitioner submitted that the petitioner is paying the property tax right from the year 1992. He is having right over the property, however, on the application filed by the second respondent, the assessment was transferred in her name. He further submitted that the second respondent is no more.



3.Learned Counsel for the second respondent confirmed that the second respondent / wife of Mohammed Kasim is no more.

4.Be that as it may, from the records, it appears that several civil litigations are pending between the parties with regard to partition. Therefore, this Court, at this stage, is not inclined to pass any orders. It is open to the petitioner to establish his claim in the pending civil litigations and thereafter, approach the first respondent for transfer of assessment depending upon the outcome.

5.With the above observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

gk

To

The Assistant Commissioner,
Corporation of Tiruchirapalli,
K.Abishekapuram,
Tiruchirapalli.

+1 CC to M/s.AL. GANTHIMATHI, Advocate (SR-17386[F] dated 08/04/2022)

+1 CC to M/s.M. PALANI, Advocate (SR-17374[F] dated 08/04/2022)

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MGJ(27.04.2022) 2P 4C