



W.P(MD)No.15457 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15457 of 2012
and
M.P(MD)Nos.2 and 3 of 2012

1.Kadhamba Rajakani

2.Jeyalakshmi

... Petitioners

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.Pottapalayam Panchayat,
Represented by its President,
Manamadurai Taluk,
Sivagangai District.

3.Malaichamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent in Resolution No.29, dated 15.06.2012 quash the same and direct the second respondent to restore the names of the petitioners in property tax Register of the building bearing Door No. 1/160 of Konarpatti Village, Manamadurai Taluk, Sivagangai District.



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For Petitioners : Mr.PT.S.Narendravasan
For R1 & R2 : Mr.D.Sasikumar
Additional Government Pleader
For R3 : No Appearance

ORDER

The present writ petition has been filed challenging a resolution passed by the second respondent Panchayat, under which the building plan approval granted to the petitioner and the consequential property tax assessment in the name of the writ petitioner were cancelled by way of an impugned resolution.

2. According to the learned counsel for the writ petitioners, after verifying all the records, building plan approval was granted to the writ petitioners. Based upon the said approval, the petitioners have completed the construction and the property was assessed to tax in the name of the writ petitioners. Suddenly, the third respondent claiming title to the property made an objection to the second respondent Panchayat. Thereafter, the Panchayat passed the impugned resolution to the effect that, only now, they came to know that the property stands in the name of



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the third respondent. Based upon the said ground, the second respondent has cancelled the building plan approval as well as the property tax assessment standing in the name of the writ petitioners. This resolution is under challenge in the present writ petition.

3. It is seen from the records that the writ petitioners have already filed O.S.No.230 of 2009 on the file of the District Munsif Court, Manamadurai as against the third respondent herein seeking a prayer for permanent injunction with regard to the same property. It is clear from the allegations in the writ petition as well as in the typedset of papers, there is a title dispute between the petitioners and the third respondent herein. In the light of the above said facts, the second respondent Panchayat cannot be faulted for passing such a resolution, whereunder they have withdrawn the building plan approval and cancelled the property tax assessment in the name of the writ petitioner.

4. In view of the abovesaid discussion, I do not find any illegality or infirmity in the resolution passed by the second respondent Panchayat. The petitioners are at liberty to seek their redressal in O.S.No.230 of



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2009. In case, if they succeed in the said suit, they can again approach the second respondent Panchayat for redressal of their grievances.

5. With the above said observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

21.07.2022

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Index : Yes / No

Internet : Yes / No

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The President,
Pottapalayam Panchayat,
Manamadurai Taluk,
Sivagangai District.



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R.VIJAYAKUMAR ,J.

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