BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2213 of 2012
and
M.P(MD)Nos.1 and 2 of 2012

Mohamed Rafi ... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai-2.

2.The Assistant Commissioner,
Madurai Corporation,
Zone 3, East Zone,
CMR Road,
Madurai.

3.D.Navaneethan ... 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 order passed by the second respondent in his proceedings in Ref.No.Kee.Ma.Va.2/006352/2010, dated 21-12-2011 and quash the same and consequently direct the second respondent to restore the Petitioner's name in tax assessment number 90128 for the property in door number 12-C, Ruckmanipalayam second street, Munichalai, Madurai.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : No Appearance

ORDER

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 changed in the name of the third respondent.

2. According to the writ petitioner, the original owner of the property was one Pappammal, who had executed a registered sale deed in favour of the petitioner through his son Gopal as power agent on 18.01.2008. Thereafter, the petitioner’s name was incorporated in the property tax assessment.

3. However, another son of Pappammal, namely, Kannan has executed a registered sale deed in favour of the third respondent on 07.05.2008. The said third respondent had raised an objection with regard to the property tax assessment before the second respondent. Based on the objection raised by the third respondent, the second respondent has retransferred the assessment in the name of the original owner, namely, Pappammal. The said impugned order has been passed without issuing any notice or hearing the writ petitioner.

4. Though notice was effected on the third respondent through paper publication, there is no representation on the side of the third respondent.

5. The name of the petitioner was incorporated in the property tax assessment in January 2008 and the same was continuing till the passing of the impugned order. However, without any notice, the second respondent has transferred the assessment in the name of the third respondent.

6. In view of the above said fact, the impugned order is set aside. The matter is remitted back to the file of the second respondent herein. The second respondent shall issue notice to the writ petitioner as well as the third respondent herein and after giving due opportunity to both the parties, shall pass orders.

7. With the above said observations, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.07.2022

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Index : Yes / No
Internet : Yes / No

To

1.The Commissioner,
Madurai Corporation,
Madurai-2.

2.The Assistant Commissioner,
Madurai Corporation,
Zone 3, East Zone,
CMR Road,
Madurai.

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.2213 of 2012

Dated:
06.07.2022