



W.P(MD)No.3878 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD).No.3878 of 2013

and

M.P(MD).No.1 of 2013

L.S. Udaya kumar,

: Petitioner

Vs

1. The Executive Officer,
Town Panchayat,
B. Meenatchipuram,
Bodinaickanur Taluk,
Theni District

2. L.S. Selvin Kumar,,

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the Impugned order passed by the first respondent in his proceedings in Na.Ka.No.118/2012 dated 28.12.2012 and quash the same as illegal and consequently to direct the first respondent to restore the name of the petitioner



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in the Property Receipt within the period that may be stipulated by this Court.

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For Petitioner : Mr.H.Jesima Yasmin
For M/s.Ajmal Associates
For R1 : Mr.A.Baskaran
Additional Government Pleader
For R2 : Mr.A.John Vincent

ORDER

The present writ petition had been filed challenging the order passed by the first respondent herein, under which the property tax assessment standing in the name of the petitioner was cancelled and it was restored in the name of one L.Sundaram, who is the father of the writ petitioner and the second respondent.

2.Admittedly, the property belongs to the said L.Sundaram. After his death, the property tax assessment was transferred in the name of the petitioner, based upon a Will. However, the second respondent has thereafter objected to transfer of the property tax assessment to the name of the petitioner. Based upon the representation given by the second respondent, the present impugned order has been passed by the first respondent, restoring the



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property tax assessment in the name of the said L.Sundram.

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3.From the narration of the above facts, it is clear that there is a title dispute between the petitioner and the second respondent based upon a Will dated 22.01.2010. This issue cannot be decided either by the first respondent or by this Court by exercising the power under Article 226 of the Constitution. The property tax assessment has been restored in the name of the original owner. This Court finds no illegality in the order passed by the first respondent and the same is sustained. The writ petitioner and second respondent are at liberty to approach the civil Court to decide about the title over the property. Based upon the outcome of the civil proceedings, the parties are at liberty to approach the authorities for change of assessment.

4.With the above observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
lr

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R.VIJAYAKUMAR, J.

lr

To
The Executive Officer,
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