



W.P(MD)No.4079 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4079 of 2013

and

M.P(MD)Nos.1 and 2 of 2013 & 1 of 2015

M.Rabik Raja

... Petitioner

Vs.

1.The Commissioner,
Thirumangalam Municipality,
Madurai District.

2.M.Abdul Karim

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 11-10-2012 passed by the first Respondent in reference number Na.Ka.No.3051/2012/A1 and quash the same.

For Petitioner : Mr.J.Barathan

For R1 : No Appearance

For R2 : Mr.A.S.Mujibur Rahman



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ORDER

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The present writ petition has been filed challenging an order passed by the first respondent herein, under which the property tax assessment standing in the name of the writ petitioner was cancelled and it was restored in the name of the second respondent.

2. According to the petitioner, he has purchased the property under a registered sale deed, dated 06.01.2010. However, the title of the petitioner is disputed by the second respondent. The second respondent has already filed O.S.No.971 of 2010 on the file of the Sub Court, Thirumangalam for the relief of declaration of title and permanent injunction as against the writ petitioner. In view of the above said facts, the first respondent herein, on a complaint by the second respondent had cancelled the above said property tax assessment standing in the name of the writ petitioner. It is also an admitted fact that the impugned order has been passed without notice to the writ petitioner.

3. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the first respondent herein and the first respondent is directed to consider the



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issue afresh and pass orders on merits and in accordance with law after giving due opportunity to the writ petitioner and the second respondent herein. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. With the above said observations, this Writ Petition stands allowed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

02.09.2022

Index : Yes / No
Internet : Yes / No

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To

The Commissioner,
Thirumangalam Municipality,
Madurai District.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.4079 of 2013

Dated:
02.09.2022