



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD).Nos.1587 and 3167 of 2022

W.P(MD)No.1587 of 2022:

K.Suganthi

... Petitioner

Vs.

The Commissioner,
Melur Municipality, Melur,
Madurai District-625106.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to transfer the property tax assessment Nos.116/013/00035, 116/013/00036 and 116/013/00037 into the petitioner's name for the property in Door Nos.252, 252A and 252B in Azhagarkovil Road, Melur, Madurai District by considering the petitioner's application dated 23.08.2021.

For Petitioner : Mr.I.Robert Chandrakumar
For Respondent : Mr.J.Gunaseelan Muthiah

W.P(MD)No.3167 of 2022:

S.Alagappan @ Raghunathan

... Petitioner

Vs.

- 1.The Municipal Commissioner,
O/o. Melur Municipal,
Thiruvathavur Road,
Melur, Madurai District.
- 2.The Block Development Officer,
Village Panchayath,
Panchayath Union Office Campus,
Melur Taluk, Madurai.



3.The President,
Navinipatti Panchayath,
Navinipatti, Melur Taluk,
Madurai District.

4.K.Suganthi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to issue notice to petitioner and provide an opportunity of being heard in the property tax name transfer application submitted by the fourth respondent Nil dated in respect of the property comprised in R.S.Nos.356/24, bearing Door No.5/144, Bhajanai Madam Theru, Navinipatti, Navinipatti Village, Melur Taluk, Madurai District and the property with building comprised in Natham S.No.243/2C1A, in Door No.252, 252A, 252B, Melur Village, Melur Town, Madurai District and to conduct an enquiry before passing any property tax name transfer order in respect of the said properties on my application, dated, 22.12.2021 and 31.01.2022 to the respondents 1 and 3 within a time frame as may be fixed by this Court.

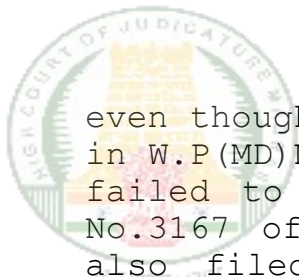
For Petitioner	: Mr.M.Ponniah
For Respondents	: Mr.J.Gunaseelan Muthiah
	for R1
	Mr.P.Subbaraj
	Special Government Pleader
	for R2 and R3
	Mr.I.Robert Chandrakumar
	for R4

ORDER

The petitioner in W.P(MD)No.1587 of 2022 is the fourth respondent in W.P(MD)No.3167 of 2022. The respective petitioners are sister and brother.

2.It is the case of the petitioner in W.P(MD)No.1587 of 2022 that the self acquired property of their father, namely, P.Sethu Chettiar was gifted to her by a registered Gift Deed, dated, 15.09.2020 and that their father passed away on 15.07.2021 within about ten months after the execution of the aforesaid registered gift deed. After the execution of the gift deed, the petitioner in W.P(MD)No.1587 of 2022 therefore had filed an application for name transfer with the revenue authorities. Since, the revenue authorities did not consider the application of the petitioner, the petitioner has filed the writ petition in W.P(MD)No.1587 of 2022.

3.The learned counsel for the petitioner further submits that her brother, the petitioner in W.P(MD)No.3167 of 2022 along with her siblings have now filed O.S.No.472 of 2021 to partition property,



even though the aforesaid property has been gifted to the petitioner in W.P(MD)No.1587 of 2022. It is further submitted that after having failed to get any interim relief in O.S.No.472 of 2022, W.P(MD) No.3167 of 2022 has been filed. Thereafter, a representation was also filed with the Municipal Commissioner-first respondent and thereafter, another representation, dated, 31.01.2022 and has now filed W.P(MD)No.3167 of 2022, opposing the prayer in W.P(MD)No.1587 of 2022.

4.The learned counsel for the petitioner in W.P(MD)No.3167 of 2022 submitted that there is a partition suit and that the self acquired property of their father, Late.P.Sethu Chettiar and that there is a dispute as to whether the gift deed, dated 15.09.2020 was genuine gift deed or not. A private dispute subsists between the parties and is pending in O.S.No.472 of 2021 before the I Additional District Court, Madurai.

5.Considering the same, I am inclined to dispose both these two writ petitions by directing the authorities to maintain status quo till preliminary decree is passed in O.S.No.472 of 2021 on the file of I Additional District Court, Madurai. All further steps relating to this property shall be subject to final outcome of the preliminary decree to be passed by the trial Court in O.S.No.472 of 2021. Pending, the litigation before the trial Court, the petitioner in W.P(MD)No.1587 of 2022 shall continue to pay the property tax, water tax and other municipal charges leviable on the property.

6.With the above said directions, both the writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

THE I ADDITIONAL DISTRICT JUDGE,
MADURAI.

+1 CC TO M/S.M.PONNIAH, Advocate (SR-14606)

+1 CC TO M/S.I.ROBERT CHANDRAKUMAR, Advocate (SR-15012)

+1 CC TO SPECIAL GOVERNMENT PLEADER (SR-14824)

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RS (07.04.2022) 4P-5C