



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.3246 of 2022

S.Ganesan

... Petitioner

/vs./

1.The Collector,
Theni District.

2.Block Development Officer,
Panchayat Union,
Bodinayakanur,
Theni District.

3.The President,
Sillamarathupatti Panchayat,
Bodi Union,
Theni District.

4.S.Udayakumar
(R4 has been impleaded
vide order dated 07.03.2022)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue property tax in the name of the petitioner for the house property bearing Natham S.No.80/2 part New, Natham Survey No.623/41, bearing Door No.10/93, Nethaji Street, Sillamarathupatti Village, Bodinayakanur Taluk, Theni District.

For Petitioner : Mr.S.Sankar

For R1 : Mr.M.Prakash
Additional Government Pleader

For R2 & R3 : Mr.G.Sivaraja
Government Advocate

For R4 : Mr.R.Suriyanarayanan

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to issue property tax in the name of the petitioner for the house property bearing Natham S.No.80/2 part New, Natham S.No.623/41, bearing D.No.10/93, Nethaji Street, Sillamarathupatti Village, Bodinayakanur Taluk, Theni District.



2.It is the case of the petitioner that the petitioner has purchased the property from two persons, namely Sannasi and Vasagar and has registered a sale deed dated 09.09.2021. It is submitted that the petitioner's brother, the 4th respondent herein and the petitioner's deceased mother, late.Rajamaniyammal, who died on 16.03.2021, had obtained a patta without notice to the petitioner even though the petitioner had registered the sale deed dated 09.09.2021.

3.The 4th respondent appears to have obtained a patta in his name along with the petitioner and his mother, late.Rajamaniyammal. Be that as it may, there appears to be a private dispute between the petitioner and the 4th respondent and it is also not clear under what circumstances, the sale deed dated 09.09.2021 came to be registered in favour of the petitioner.

4.Considering the fact that there is a private dispute, the petitioner is directed to file a suit for a proper declaration that the petitioner is the owner of the suit property. Meanwhile, the respondents are directed to maintain *status quo* as on date and are at liberty to collect the house tax from the petitioner, which will be subject to the final determination of the internecine rights between the petitioner and the 4th respondent. Liberty is also given to the petitioner to take steps to cancel the patta granted to the petitioner's brother and his deceased mother, late.Rajamaniyammal, in case it was procured on the strength of bogus documents in accordance with law.

5.The writ petition stands disposed of, in terms of the above observation. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Collector,
Theni District.

2.Block Development Officer,
Panchayat Union,
Bodinayakanur,
Theni District.



3.The President,
Sillamarathupatti Panchayat,
Bodi Union,
Theni District.

WEB COPY

+1 CC to M/s.K. SEKAR(S.Sankar), Advocate (SR-21493[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21862[F] dated 27/04/2022)

W.P. (MD) No.3246 of 2022

MGJ(12.05.2022) 3P 6C