BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.13719 of 2022
and
W.M.P.(MD).Nos.9741 & 9743 of 2022

Subbaiah ... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The President,
Kannankottai Panchayat,
Devakottai Taluk,
Sivagangai District.

3.Nallathambi.

4.Shanmugavel ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the impugned order of assessment of house tax in favour of the 4th Respondent dated Nil passed by the 2nd Respondent.

For Petitioner :Mr.R.Balakrishnan
For Respondents :Mr.M.Prakash
Additional Government Pleader for R1,
:Mr.T.Villavankothai
Additional Government Pleader for R2,
:Mr.Rajini for R3 & R4

ORDER

Today, when the matter is taken up for hearing, a Joint Memo has been produced before this Court in the presence of 1st, 2nd and 3rd Respondents. In the said Joint Memo, it was agreed by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the 4th Respondent that the tax receipt may be issued in the name of the 4th Respondent. However, all the parties have agreed that the same would not be relied upon for the purpose of establishing title in the suit, which is pending. The terms of the Joint Memo reads as follows:

> *It is submitted that the above writ petition has been filed challenging the order passed by the second respondent. Admittedly the suit filed by the Writ Petitioner for declaration of title and recovery of possession and mandatory injunction is pending.*
>
> *It is submitted that the possession of the 4th Respondent is admitted by the Writ Petitioner, as the*

suit is one for recovery of possession. Till the conclusion of the suit the Tax Receipt may be issued in the name of the 4th respondent. Therefore the petitioner and the respondent number 3 and 4 agree that after the disposal of the suit the decree holder can approach the 2nd respondent and get the House Tax receipt in his favour. The House Tax receipt obtained by the 3rd and 4th respondents can be relied only for the purpose of showing possession alone and the House Tax receipt will not confer any title to the 3rd and 4th respondents. To that effect this memo is being filed.

It is therefore prayed that this Hon'ble Court may be pleased to record this memo and pass suitable orders and thus render justice.

2.Recording the same, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.11.2022

Index : Yes / No
Speaking Order : Yes / No
sbn

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The President,
Kannankottai Panchayat,
Devakottai Taluk,
Sivagangai District.

MOHAMMED SHAFFIQ, J.

sbn

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