



W.P(MD).No.16927 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.16927 of 2022

C.Murugan

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Anna Maaligai,
Madurai-625 002.

2.The Assistant Commissioner/Deputy Collector,
Madurai Corporation,
North Zone,
Madurai.

3.The Deputy Revenue Officer,
Madurai Corporation,
North Zone,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing respondents herein to issue property tax in respect of the petitioner's property comprised in S.No. 1/2-part, new S.No.72, Plot No.86 to the extent of 469 square feet, situated at Anthaneri Village, Kadachanendal, Madurai within a stipulated time that may be fixed by this Court.



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For Petitioner : M/s.X.Sumalatha
For Mr.P.Saravanakumar
For Respondents : Mr.K.K.Kannan
Standing Counsel

ORDER

The petitioner's father, namely Chinnaiah, son of Kuppan was given Plot No.86 in Anthaneri Village, Kadachanendal, Madurai. The petitioner's father passed away on 20.12.2000. The petitioner produced the death certificate of his father, which is annexed in page 23 of the type set. Thereafter, the petitioner obtained legal heir certificate in Certificate No.TN-7202110221962, dated 01.12.2021, in which the petitioner name is found along with this mother, brother and sister. The petitioner along with the death certificate of his father and legal heir certificate applied for change of patta from his father name Chinnaiah to the name of the petitioner. Thereafter, patta transferred in RTR No.101/2022, dated 23.03.2022, due to inadvertence, Chinnakalai, father of Thayammal and maternal grandfather of the petitioner name included in patta, who has got nothing to do with the property assigned to petitioner's father, namely, Chinnaiah. Further, a settlement deed executed by the legal heirs of Chinnaiah in Document No.1532 of 2022, dated 31.03.2022 in Thallakulam Sub Registrar Office. With the above documents, the petitioner applied for change of patta in his name. Thereafter, the petitioner sent representation, dated 20.07.2022, but no action taken. Hence, he filed this writ petition.



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2. The learned standing counsel for the respondents submits that originally the land was allotted to Chinnaiah as seen from the allotment order, dated 19.02.1987 which is annexed in page 14 of the type set. The property assessed by Madurai Corporation Tax Book annexed in page 18. He further submitted that the petitioner mistakenly included the name of Chinnakalai, father of Thayammal, maternal grandfather of the petitioner, who has got nothing to do with the property allotted to Chinnaiah. He further submitted that as could be seen from the type set and documents annexed, the property was allotted to Chinnaiah. After demise of Chinnaiah, legal heir certificate obtained, the patta changed, including the name of Chinnakalai. Since the property allotted to Chinnaiah, petitioner maternal grandfather Chinnakalai has got no right over the property in any manner. Further, this mistake led to some confusion to the third respondent, to issue patta in the name of the petitioner. He further submitted that all the legal heirs of late Chinnaiah gave no objection to issue patta in the name of petitioner. Hence, the petitioner's application can be considered favourably and mistake committed in the name of including Chinnakalai stands clarified.

3. In view of the same, the third respondent is directed to issue property tax for property in S.No.1/2-Part, New S.No.72, Plot No.86 to the extent of



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469 square feet, Anthaneri Village, Kadachanendal, Madurai in the name of C.Murugan from the name of Chinnaiah. The petitioner is directed to appear before the third respondent on 12.08.2022 along with the necessary documents and thereafter, the third respondent is directed to conduct an enquiry and issue property tax receipt in the name of petitioner. The entire exercise to be completed within a period of three weeks from the date of receipt of copy of this order.

4. With the above direction, the writ petition stands disposed of. No costs.

01.08.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue order copy on 03.08.2022

To

1.The Commissioner,
Madurai Corporation,
Anna Maaligai,
Madurai-625 002.

2.The Assistant Commissioner/Deputy Collector,
Madurai Corporation,
North Zone,
Madurai.



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3. The Deputy Revenue Officer,
Madurai Corporation,
North Zone,
Madurai.

M.NIRMAL KUMAR, J.

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