



W.P(MD)No.15269 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15269 of 2015

and

M.P(MD)No.1 of 2015

S.Rafiya Basheerni

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Commissioner,
Theni Allinagaram Municipality,
Theni.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Po.Ma.V.No.78/2015/A-1 dated 10.07.2015 refusing to transfer the property tax in favour of the petitioner, quash the same and consequently direct the second respondent herein to transfer the property tax in favour of the petitioner as per the registered Settlement Deed dated 30.04.2015 vide Doc.No. 2872/2015 on the file of Sub Registrar, Theni.

For Petitioner	: Mr.K.Appadurai
For R1	: Mr.D.Sasikumar Additional Government Pleader
For R2	: Mr.K.Hemakarthiskeyan



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ORDER

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The present writ petition has been filed challenging an order passed by the second respondent/Municipality refusing to transfer the property tax assessment in the name of the writ petitioner from the name of one Oval.

2. According to the petitioner, the property originally belonged to her father-in-law, namely Oval. He had executed a registered settlement deed in the year 2002 in favour of his son, namely, Rajasekaran. Thereafter, due to certain dispute, Oval had unilaterally cancelled the settlement deed executed in favour of his son. The said cancellation was challenged by Rajasekaran by filing O.S.No.166 of 2010 on the file of Sub Court, Theni. The said Rajasekaran has prayed for declaration that the cancellation deed is null and void, recovery of possession and for permanent injunction, not to create any encumbrance. The said suit was dismissed on 14.02.2013. The said Rajasekaran had filed A.S.No.12 of 2013 before the Additional District and Sessions Court, Theni at Periya Kulam. The appeal was also dismissed on 27.11.2014. According to the learned counsel for the petitioner, a second appeal has been filed and the same is pending before this Court.



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3. The learned counsel for the petitioner has further contended that her husband has executed a settlement deed in her favour on 30.07.2015.

On the basis of which, now she seeks transfer of property tax assessment in her name.

4. Per contra, the learned counsel for the respondents has contended that the original owner of the property, namely Oval has also made objections to the second respondent/Municipality.

5. The sequence of the events narrated above will clearly indicate that there is a serious title between the petitioner's husband and petitioner's father-in-law, which is now pending in second appeal before this Court. In view of the concurrent judgments passed by the Courts below, this Court is not inclined to interfere in the impugned order passed by the second respondent herein.

6. In view of the above said facts, this Court is inclined to pass the following orders:

(i) The property tax assessment shall remain in the name of Oval till the disposal of the second appeal.



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(ii) After the disposal of the second appeal, depending upon the result in the second appeal, parties are at liberty to again approach the second respondent for transfer of property tax assessment.

7. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

03.08.2022

Index : Yes / No
Internet : Yes / No
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To

The District Collector,
Theni District.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.15269 of 2015

Dated:
03.08.2022