BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.06.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.7734 of 2014

Ranjitham ... Petitioner

Vs.

1.The Corporation Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone-II,
Madurai Corporation,
Madurai.

3.Murugan ... 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 and 2 to restore the petitioners name in his house property tax in Assessment No.5059.

For Petitioner : Mr.A.Ajmalkhan
For Respondents : Mr.R.Aravindan
for R3

ORDER

The present writ petition has been filed seeking Mandamus directing the respondents one and two to restore the name of the petitioner in the property tax assessment in the place of the third respondent.

2. The learned counsel for the petitioner submits that originally he is the owner of the disputed property and he had executed a power deed in favour of one Sakthivel. Before the said power agent could execute any sale deed, he had cancelled the power deed. However, antedating a document, a sale deed has been executed in favour of the third respondent. Based upon the said sale deed, assessment has been transferred in the name of the third respondent. Hence, the present petition.

3. The learned counsel for the petitioner further submits that the validity and legality of the said sale deed in favour of the third

respondent is an issue in O.S.No.177 of 2004 on the file of the Principal Subcourt, Madurai. Hence, he contends that the petitioner's name may be restored in the property assessment tax.

4. Per contra, the learned counsel for the respondent submits that thrice O.S.No.177 of 2004 has been dismissed for default and even today, only a restoration application is pending and O.S.No.177 of 2004 is not in the files of the Principal Subcourt, Madurai. He further submits that only based upon the power deed executed by the petitioner, the said Sakthivel has executed a sale deed in favour of the third respondent and he is the bonafide purchaser, based upon a sale deed. Hence he submits that the property tax has been mutated in the name of the third respondent in view of the registered sale deed in favour of the third respondent.

5. I have carefully considered the submissions made on either side.

6. The present writ petition has been filed only seeking Mandamus to restore the name of the petitioner in the property tax assessment for the property in dispute in the place of the third respondent. As on today, a

sale deed stands in the name of the third respondent. The said sale deed is the subject matter of O.S.No.177 of 2004, which is said to be pending in restoration stage. Hence, as long as the sale deed stands in the name of the third respondent, the corporation cannot be found fault with for mutating the property tax assessment in favour of the third respondent. Hence, I do not find that the petitioner has got any legal right to demand that the property tax assessment should be transferred in the name of the writ petitioner. However, the corporation authorities are duty bound to take into consideration any decree to be passed in O.S.No.177 of 2004 and if required, they will mutate the property tax assessment in the name of the petitioner depending upon the result in the said suit.

7. With the above said observations, this Writ Petition is dismissed.

23.06.2022

Index : Yes / No
Internet : Yes / No

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To

1.The Corporation Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone-II,
Madurai Corporation,
Madurai.

R.VIJAYAKUMAR ,J.

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Order made in
W.P.(MD).No.7734 of 2014

23.06.2022