



W.P.(MD).No.3129 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.3129 of 2015

J.John Wesley

... Petitioner

Vs.

1.The Executive Officer,
Special Grade Panchayat,
Vadakku Valliyoor,
Tirunelveli District.

2.The Manager,
Thiru Jeer Mutt, Tirukurungudi,
Tirunelveli District.

3.P.Ammachiammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation



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dated 05.02.2014 in consonance with the judgment of this Court dated 30.07.2014 made in S.A(MD).No.293 of 2009, within a time frame as fixed by this Court.

For Petitioner : Mr.T.R.Janarthanan
for Mr.S.R.Anbarasu

For Respondents : Mr.M.Rajarajan for R1
Mr.K.Chandrasekaran for R2
Mr.S.Palanivelayutham for R3

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the first respondent herein to consider the representation of the petitioner dated 05.02.2014 for transfer of the Property Tax Assessment from the name of the petitioner's deceased father, namely, P.Joseph Ponnudurai in the name of the writ petitioner.

2. According to the petitioner, he has succeeded in S.A(MD).No.293 of 2009 and it was confirmed by the Hon'ble Supreme Court of India on 07.12.2016. Since the petitioner is the only legal heir of the deceased Joseph Ponnudurai, the Property Tax assessment should



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be transferred in his name.

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3. However, the learned counsel appearing for the third respondent has contended that the deceased Joseph Ponnudurai has executed a Will in favour of the third respondent. Hence, the Property Tax Assessment cannot be transferred in the name of the writ petitioner.

4. A perusal of the judgment in O.S.No.6 of 2004 indicates that the said Will was placed before the Civil Court as Ex.B4 and only after considering the said Will, an order came to be passed by the Civil Court in O.S.No.6 of 2004, which was confirmed by this Court in S.A(MD).No. 293 of 2009 and later confirmed by the Hon'ble Apex Court.

5. In view of the said facts, the petitioner is directed to give a fresh representation to the first respondent along with the copy of the judgment in O.S.No.6 of 2004 and the copy of the judgment in S.A(MD).No.293 of 2009. In case, if any such application is filed, the first respondent shall pass orders within a period of two weeks from the



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date of receipt of the said application. If the third respondent is having any independent claim over the property, it is open to her to approach the Competent Civil Court.

5. Accordingly, the Writ Petition stands allowed. No costs.

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Index : Yes / No
Internet : Yes / No
ssb

To

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2. The Manager,
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Tirunelveli District.



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R.VIJAYAKUMAR ,J.

ssb

Order made in
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