



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1217 of 2017

Shanmuga Nathan

... Petitioner

Vs

1.The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi.

2.Pansu Rajan
(R1 cause title amended vide
Court order dated 07.06.2022 in
W.P(MD).No.1217 of 2017)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to cancel the house tax on the name of the second respondent and restore the house tax in the name of the petitioner with regard to house in D.No.164/3 and D.No.164/4 situated Pandiyan Nagar, III Street Thiruthangal, Sivakasi Taluk, Virudhunagar District.

For Petitioner : Mr.G.Gomathi Sankar

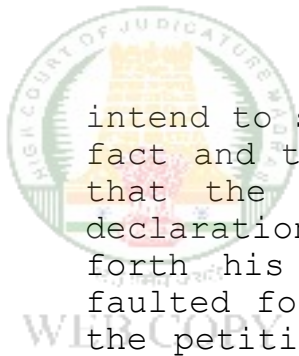
For Respondents : Mr.N.Dilip Kumar
Government Pleader for R.1

Mr.M.V.M.Solaisamy for R.2

ORDER

Heard the learned counsel on either side.

2. There is no dispute that the property originally stood in the name of the petitioner. The petitioner had apparently executed the sale deed selling the petition mentioned property in favour of the second respondent. Therefore, the assessment of the property was changed by the local body and it is presently assessed in the name of the second respondent. According to the petitioner, the document was executed only for loan purpose and that he did not



intend to sell the property. But they are all disputed questions of fact and they will have to be canvassed elsewhere. It is admitted that the second respondent has already filed a civil suit for declaration and recovery of possession. The petitioner can put forth his defence in the said suit. The local body cannot be faulted for having acted on the basis of the sale deed executed by the petitioner. The writ petition is dismissed. I make it clear that the defences of the petitioner in the pending civil suit are left open. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

mga

To

The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi.

+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-27243[F] dated 21/06/2022)

+1 CC to M/s.M. SOLAISAMY, Advocate (SR-27858[F] dated 23/06/2022)

W.P. (MD)No.1217 of 2017
21.06.2022

srk(CO)

TR(04.07.2022) 2P 4C