



W.P.No.18066 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18066 of 2018

A.Muthurathinasabapathy

... Petitioner

Vs.

1.The Executive Officer,
Kannampalayam Town Panchayat,
Kannampalayam,
Sulur Post, Coimbatore.

2.The Divisional Engineer,
Tamilnadu Electricity Board,
Ondipudur, Coimbatore.

3.The Sub Registrar,
Sulur, Coimbatore.

4.A.Kandasamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to cancel the assessment of property tax and water connection exclusively in the name of the fourth respondent relying upon the Document No.4771 of 2014 in respect of the common property in the name of the petitioner and the fourth respondent situated in Survey No.327/2B3 to an extent of 1.40 acres situated in Kannampalayam Village, Sulur Taluk, Coimbatore District.



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W.P.No.18066 of 2016

For Petitioner : No Appearance

For Respondents : Mr.N.Naveen Kumar, for RR1 & 3
Government Advocate
Mr.L.Jaivenkatesh, for R2
No Appearance for R4

ORDER

This Writ Petition has been filed to direct the first respondent to cancel the assessment of property tax and water connection exclusively in the name of the fourth respondent relying upon the Document No.4771 of 2014 in respect of the common property in the name of the petitioner and the fourth respondent situated in Survey No.327/2B3 to an extent of 1.40 acres situated in Kannampalayam Village, Sulur Taluk, Coimbatore District.

2. The averments in the writ petition indicate that there was a partition deed executed between the petitioner and the fourth respondent and the same has been registered. The grievance of the petitioner is that while registering the partition deed, there was a mistake in survey number. Therefore, in order to rectify the said mistake, he requested the fourth respondent to execute the rectification of mistake in the deed. However, he has not come forward so far. Thereafter, using the said partition deed, the name transfer has been taken place in the assessment in the name of the fourth respondent. Hence, the petitioner seeks to cancel the assessment.



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3. Heard both side.

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4. On a perusal of the writ petition, this Court is of the view that when a party enters into a deed and register certain documents and wants to challenge the documents, the same ought to have been done only in the civil Court. Now, in the writ petition, he cannot achieve what he could not do legally by filing a suit.

5. Accordingly, this Writ Petition is dismissed. No costs.

15.02.2023

Index :Yes/No

Neutral Citation:Yes/No

AT

To

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N.SATHISH KUMAR, J.

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