BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9605 of 2023
and
W.M.P.(MD) No.8536 of 2023

S.Syed Abuthahir .. Petitioner

Vs.

1.The Commissioner,
Corporation of Madurai,
Aringar Anna Maligai,
Madurai-625 002.

2.The Assistant Commissioner,
Zone-3, Madurai Corporation Office,
Madurai-625 001.

3.R.Sardar Batcha .. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing respondents 1 and 2 from changing the name in the property tax till the disposal of the partition Suit filed in O.S.No.17 of 2016 on the file of the 1st Additional District Judge, Madurai by considering the petitioner's representation dated 13.04.2023.

For Petitioner	:	Mr.R.Karunanidhi
For RR1 & 2	:	Mr.P.Mayilvahanan Standing Counsel

ORDER

Though the third respondent, who is the contesting party, has not been served, however considering the limited request and without expressing any opinion on the merits of the case, this writ petition is taken up for disposal at the admission stage itself.

2. This writ petition has been filed for the issue of a Writ of Mandamus, forbearing respondents 1 and 2 from changing the name in the property tax till the disposal of the partition suit filed in O.S.No.17 of 2016 on the file of the 1st Additional District Judge, Madurai by considering the petitioner's representation dated 13.04.2023.

3. It is the case of the petitioner that the property in respect of which the writ petition has been filed was purchased by him in his wife's name. He states that he had permitted his in-laws to remain in the property when his wife was physically not well. After his wife's demise,

the petitioner has given an application to the Corporation to effect name transfer. Thereafter, nearly two years after the petitioner's wife's demise, he had remarried and he and his wife are residing in the third floor of the premises in question. The petitioner has permitted the third respondent, his father-in-law, to continue on the ground floor without rent. However, the third respondent is attempting to take charge of the property. The petitioner would submit that he continues to repay the loan, which was borrowed for purchasing the property in question.

4. Meanwhile, the third respondent has also filed a civil suit in O.S.No.17 of 2016 on the file of the 1st Additional District Court, Madurai, for partition. The third respondent, after filing the suit for partition, has given an application for changing the property tax in his name and the petitioner has received a letter from the second respondent's office to which he has given a detailed representation. Apprehending that the second respondent may proceed to transfer the property tax assessment in favour of the third respondent, the petitioner is before this Court.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

6. Admittedly, the third respondent himself filed a suit for partition which is pending. The property tax assessment has been mutated in the name of the petitioner even before the filing of the suit. Therefore, it would be in the interests of justice that *status quo* as on date to be maintained in and by which the respondent-Corporation shall not transfer the property tax assessment to any other name till the disposal of the suit.

7. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr

To

1.The Commissioner,
Corporation of Madurai,
Aringar Anna Maligai,
Madurai-625 002.

2.The Assistant Commissioner,
Zone-3, Madurai Corporation Office,
Madurai-625 001.

P.T.ASHA, J.

abr

W.P.(MD) No.9605 of 2023

Dated: 25.04.2023