



W.P.(MD) No.10037 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10037 of 2023

and

W.M.P(MD)Nos.8799 and 8800 of 2023

R.Sivalingam

... Petitioner

Vs.

1.The Commissioner,
O/o. the Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner (I/c),
Zone-III,
Madurai Corporation,
Madurai.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records in pertaining to the impugned order in Ma3P4/006276/2021 dated 17.12.2021 on the file of the second respondent quash the same as illegal and consequently, direct the second respondent to transfer the name of the property tax receipt in petitioner's name for his property at



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Door No.25, Soosai Michael Street, Ward No.57, Madurai Corporation
Zone-III, Madurai.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.K.K.Kannan
Standing Counsel

ORDER

This writ petition has been filed for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned order in Ma3P4/006276/2021 dated 17.12.2021 on the file of the second respondent and to quash the same as illegal and consequently, direct the second respondent to transfer the name of the property tax receipt in petitioner's name for his property at Door No.25, Soosai Michael Street, Ward No.57, Madurai Corporation Zone-III, Madurai.

2. It is the case of the petitioner that the property bearing Door No. 25, Soosai Michael Street, Ward No.57, Madurai Corporation Zone-III, Madurai, belongs to his mother Mariayammal under a sale deed dated 14.07.1974. A partition was effected between the petitioner and his



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brother on 24.01.2011 and in and under this partition, the petitioner was allotted 400 sq.ft. The petitioner has also obtained the patta from the Tashildar, Madurai South. Thereafter, the petitioner had made an application to the second respondent to have the property tax receipt changed in his name instead of his mother, under his application, dated 16.11.2021. The said application has been rejected on the ground that the partition deed between him and his brother was unregistered. Aggrieved by the same, the petitioner is before this Court.

3.Heard the learned counsel appearing on either side.

4.From the records and the arguments, it appears that the petitioner had submitted no objection certificate of all the legal heirs of the deceased Mariyammal, signed before the Notary Public addressed by his siblings to the second respondent dated 15.11.2021, i.e., the day before the application was made to the respondents. This documents has been overlooked by the second respondent.



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5. Therefore, in the light of no objection certificate given by all the legal representatives of the deceased Mariyammal, the impugned order has to be set aside. Accordingly, the impugned order dated 17.12.2021, passed in Ma3P4/006276/2021, on the file of the second respondent is set aside and the Writ Petition is allowed issuing direction to the second respondent to effect transfer of the property tax from the name of Mariyammal to that of the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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