



W.P.(MD) No.10137 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10137 of 2023

R.Prakasam

.. Petitioner

Vs.

1.The Commissioner,
Madurai Municipality Corporation,
Madurai-02.

2.The Assistant Commissioner,
Zone-I,
Madurai Municipality Corporation,
Madurai-10.

.. 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 pertaining to the impugned proceedings of the 2nd respondent in Na.Ka.No.M1/E3/005839/2022 dated 10.02.2023 and to quash the same as illegal and to direct the 2nd respondent to transfer the House Tax Receipt in the petitioner's name within the time that may be stipulated by this Court.



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For Petitioner : Mr.A.George Stephen

For Respondents : Mr.S.Vinayak
Standing Counsel

ORDER

This writ petition has been filed for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the second respondent in Na.Ka.No.M1/E3/005839/2022 dated 10.02.2023 and to quash the same as illegal and to direct the second respondent to transfer the House Tax Receipt in the petitioner's name within the time that may be stipulated by this Court.

2. It is the contention of the petitioner that he has been residing at No.5/19, Gangai Stree, Aathikulam, Madurai with his family since 1982 and after the demise of his mother R.Lakshmi, he had approached the second respondent on 26.12.2019 with all the requisite documents to have the house tax receipt transferred to his name. The second respondent had issued a letter dated 27.05.2021 to the petitioner to which



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the petitioner has also submitted his reply. However, despite his best efforts, the second respondent is not effecting the transfer. Therefore, the petitioner has filed W.P.(MD) No.23031 of 2022 on the file of this Court seeking a relief of transferring the house tax receipt in his favour. This Court by order dated 30.09.2022 was pleased to pass an order directing the respondents to consider the representation of the petitioner dated 30.09.2020 and pass orders on merits within a period of four weeks. After the said order, a detailed representation was once again submitted with the documents through one R.Bose. It appears that the said R.Bose has used the documents to create title on to himself. Further, the second respondent had not proceeded with the enquiry which constrained the petitioner to file Contempt Petition (MD) No.137 of 2023. Thereafter, the impugned order came to be passed by the second respondent stating that since there was serious dispute with reference to the title, the parties have to approach the civil Court.

3. The learned Standing Counsel appearing for the Municipality would submit that the Municipality has received a complaint from one



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R.Bose on 02.08.2022, wherein he has also claimed title to the property and therefore, the authority had directed the parties to approach the Court.

4. Heard the learned counsel on either side.

5. As pointed out by the learned Standing Counsel for the Municipality, the said R.Bose who was also heard by the second respondent had disputed the title of the petitioner to the property. Therefore, the second respondent, in the light of there being a dispute to the petitioner's title to the property, has asked the parties to obtain a decree from the civil Court and thereafter, approach him. The said order is correct and I see no reason to interfere with the same. Accordingly, this Writ Petition is dismissed. No costs.

27.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The Commissioner,
Madurai Municipality Corporation,
Madurai-02.
- 2.The Assistant Commissioner,
Zone-I,
Madurai Municipality Corporation,
Madurai-10.



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P.T.ASHA, J.

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