



W.P. (MD) No. 16416 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 16416 of 2021

and

W.M.P. (MD) No. 13283 of 2021

P.Virumandi

... Petitioner

Vs.

1.The Commissioner,
O/o.The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai District.

2.The Deputy Commissioner,
O/o.The Deputy Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai District.

3.The Assistant Commissioner-in-charge,
O/o.The Assistant Commissioner,
Zone 4, Madurai Corporation,
Madurai.

4.P.Mukesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India,

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to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Ma4A4/001321/2021 dated 31.08.2021 on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr. M.Mahaboob Fazil
For R1 to R3 : Mr. R.Murali,
Standing Counsel
For R4 : Mr. M.Kannan

ORDER

Heard Mr. M.Mahaboob Fazil, Learned Counsel for the Petitioner, Mr. R.Murali, Learned Standing Counsel for the First to Third Respondents and Mr. M.Kannan, Learned Counsel for the Fourth Respondent and perused the materials placed on record apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the order in the proceedings No.Ma4A4/001321/2021 dated 31.08.2021 by which the property tax has been changed in favour of a dead person viz., Mrs. Sivanammal, who is the grandmother of the Fourth Respondent in furtherance to the order dated 05.01.2021 in W.P. (MD) No.14993 of 2015 passed by this Court. It has been brought to notice that the said order dated



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05.01.2021 has been set aside by the Division Bench of this Court by an order dated 26.07.2021 in W.A. (MD) Nos. 1446 and 1447 of 2021 in which this Court has observed as follows:-

“ 8. That apart, the appellants alleges that fraud has been played by inserting certain papers in the document which is purported to be a sale deed executed by a Court, pursuant to the Court auction. All these issues should be agitated by the parties before the civil Court and the impugned directions issued in the writ petitions have to be necessarily set aside.

9. Accordingly, these Writ Appeals are allowed and the order and directions issued in the writ petitions are set aside and consequently, the writ petitions are dismissed. It is open to the appellant as well as to the first respondent to agitate all their rights in the pending civil litigation. No costs. Consequently, connected miscellaneous petitions are closed.”

3. It is further informed that the suits in O.S. Nos. 1242 of 2015, 1101 of 2019 and 175 of 2021, are pending before the First Additional Sub-Court, Madurai relating to the said property, in which joint trial has been ordered and an application for amendment in I.A. No.470 of 2021 in O.S. No. 1242 of 2015 is also pending.



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4. In such circumstances, it is agreed by Learned Counsel for both sides that the parties will extend their co-operation for expeditious disposal of the said suits, and that the Petition in I.A. No. 470 of 2021 shall be taken up for disposal on the next hearing before the Lower Court. Consequently, it shall be incumbent upon the First to Third Respondents to await the outcome of the said suits in O.S. Nos. 1242 of 2015, 1101 of 2019 and 175 of 2021, which are pending before I Additional Sub-Court, Madurai, and depending upon the same, further action for recording the name of the owner of the relevant portion of the property shall be taken.

5. It shall be ensured by the said Court that there is atleast one effective hearing every fortnight showing progress of the suits in joint trial and quarterly reports shall be sent in that regard to the Registrar (Judicial) of the Court till the matters are finally decided on merits in accordance with law.



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In fine, the Writ Petition is disposed on the aforesaid terms.

Consequently, connected Miscellaneous Petition is closed. No costs.

16.02.2023

NCC : Yes/No

Index : Yes/No

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Note: Issue order copy on 16.06.2023

To

- 1.The Commissioner,
O/o.The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai District.
- 2.The Deputy Commissioner,
O/o.The Deputy Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai District.
- 3.The Assistant Commissioner-in-charge,
O/o.The Assistant Commissioner,
Zone 4, Madurai Corporation,
Madurai.

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P.D.AUDIKESAVALU,J.

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Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai – 625023.

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16.02.2023

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