



W.P.(MD)No.17877 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17877 of 2020

Shiek Mohamed Ali

... Petitioner

Vs.

1.The Assistant Director
Town Panchayat Office,
Tirunelveli Division,
N.G.O. "B" Colony,
Palayankottai,
Tirunelveli-627 007.

2.The Executive Officer,
Special Grade Town Panchayat Office,
33/17, Opp. Panchayat Board Office,
Kallidaikurichi-627 416,
Ambasamuthiram Taluk,
Tirunelveli District.

3.Sahinal Begam

4.Ashik Ali

5.Sahul Hammeed

6.Azees Ibrahim

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 2nd respondent to issue house tax receipt, water connection, building plan approval in Door Nos. 97/66E, 66/E1, 103 situated in Natham Survey No.422 New Natham Survey No.778/5, Beeder Road, Melpuram Street, North Kallidaikurichi, Ambasamuthiram Taluk, Tirunelveli District and Door Nos.84/47 and 84/47A, Old Natham Survey No.429, New Natham Survey No.564/13, Ekambarapuram Street, North Kallidaikurichi, Ambasamuthiram Taluk, Tirunelveli District, based on the petitioner's representation, dated 02.11.2020.

For Petitioner	: Mr.S.Muniyandi
For R-1 & R-2	: Mr.R.Ragavendran, Government Advocate
For R-3 to R-6	: Mr.Senguvijay

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent to act upon the representation made by the petitioner on 02.11.2020, wherein, the petitioner is seeking for issuing house tax receipt, building plan approval, etc., in the name of the petitioner with respect to the subject property.



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2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for respondent Nos.1 and 2 and the learned counsel appearing for respondent Nos.3 to 6.

3. On carefully going through the materials available on record, it is seen that the father of the petitioner, namely, the fifth respondent, has filed a suit in O.S.No.32 of 2019 seeking for the relief of declaration. The petitioner has filed O.S.No.354 of 2020 seeking for the relief of partition and both the suits are pending before the Sub Court, Ambasamudram. The petitioner has also filed a counter claim in O.S.No.32 of 2019 for declaration that the sale deed executed by his father to the third respondent is null and void. All the suits are pending. In the meantime, the petitioner apprehended that respondents 3 to 6 are taking steps to get the house tax receipt, water connection, building plan approval etc., in their names. Therefore, the petitioner made a representation on 02.11.2020 requesting for granting all those documents in his name.



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4. In the considered view of this Court, the dispute between the parties is pending before the Civil Court. Therefore, the second respondent shall not act upon the request made by either of the parties and the present *status quo* shall be maintained. Depending upon the final result of the suits that are pending presently before the competent Civil Court, the further course of action can be taken and whoever succeeds in the said suits, their names can be incorporated. Except giving this clarity, no further orders can be passed in this writ petition.

5. This Writ Petition is disposed of accordingly. No costs.

06.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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To

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N.ANAND VENKATESH, J.

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