BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.19087 of 2021

Govindarajan ... Petitioner

Vs.

1.The Executive Officer,
Town Panchayat,
Singampunari, Sivagangai District.

2.Raja ... Respondents

(R2 is impleaded, vide Court order, dated 05.07.2023, in WMP(MD)No.16442 of 2021 in WP(MD)No.19087 of 2021)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus,*** to direct the 1st respondent herein to restore the property Tax assessment No.3184 in respect lands in S.Nos.557/1B2A, 557/1B2B, 557/1B2C, 557/1B2D, 557/1B2E, 557/1B2F, 557/1B2G, 557/1B2H, 557/1B2I, 557/1B2J and 557/1B2K situated at Singampunari Village, Tirupathur Taluk, Sivagangai District, which door Nos. 9-1/75(1), 9-1(75)(5), 9-1/75(7), 9-1/75(2) to the name of writ petitioner as it stood originally by considering representation, dated 08.09.2021, within the time limit fixed by this Court.

For Petitioner : Mr.J.Anand Kumar

For R-1 : Mr.B.Saravanan
Additional Government Pleader

For R-2 : Mr.G.Aravinthan

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ORDER

This writ petition is filed for writ of Mandamus, to direct the 1st respondent herein to restore the Property Tax Assessment No.3184 in respect lands in S.Nos.557/1B2A, 557/1B2B, 557/1B2C, 557/1B2D, 557/1B2E, 557/1B2F, 557/1B2G, 557/1B2H, 557/1B2I, 557/1B2J and 557/1B2K situated at Singampunari Village, Tirupathur Taluk, Sivagangai District, in Door Nos. 9-1/75(1), 9-1(75)(5), 9-1/75(7), 9-1/75(2) to the name of writ petitioner as it stood originally by considering representation, dated 08.09.2021, within the time limit fixed by this Court.

2. The petitioner is the father of the 2nd respondent and had executed a Settlement Deed on 17.10.2014 in Document No.1314 in favour of the 2nd respondent. However, there was a dispute between the father and son. Hence, the father had cancelled the settlement deed, vide Document No.808 of 2021, dated 09.06.2021. Based on the cancellation deed the petitioner had approached

the 1st respondent to restore the petitioner's name in the property tax assessment. Since the claim of the petitioner was not considered hence the petitioner is before this Court.

3. The contention of the 2nd respondent is that any settlement deed cannot be unilaterally cancelled. It is a settled proposition of law that any settlement deed or sale deed cannot be cancelled unilaterally. Hence the 2nd respondent had approached this Court challenging the unilateral cancellation of the Settlement Deed in W.P.(MD)Nos.12388 of 2021 and 1999 of 2022, and this Court, vide common order, dated 28.07.2022, allowed the said writ petitions. As on date the settlement deed is in force.

4. Therefore, the prayer of the petitioner to cancel the property tax assessment in the 2nd respondent cannot be allowed. Hence, the writ petition is dismissed. No costs.

5. However the petitioner is entitled to maintenance and therefore the 2nd respondent is directed to pay Rs.5,000/- per month to the petitioner.

25.08.2023

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

Tmg

To

The Executive Officer,
Town Panchayat,
Singampunari, Sivagangai District.

S.SRIMATHY, J.

Tmg

W.P.(MD).No.19087 of 2021

25.08.2023