



W.P(MD)No.22177 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22177 of 2015

S.Arumugam

... Petitioner

Vs.

1.The Block Development Officer,
(Village Panchayat),
Railway Station Road,
Sivagangai.

2.The President,
Perungudi Village Panchayat,
Madeagupatti Post,
Sivagangai Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent herein to dispose of the representation of the petitioner dated 13.10.2015 within a time frame fixed by this Court.



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For Petitioner : No appearance

For Respondents : Mr.N.GA.Nataraj,
Government Advocate.

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ORDER

None appears for the writ petitioner.

2.The prayer made in the writ petition is for disposal of the petition mentioned representation by the second respondent.

3.I went through the contents set out in the affidavit filed in support of the writ petition and also the materials inclosed in the typed set of papers. The petitioner wants the second respondent to assess the petition mentioned property.

4.It is stated by the learned Government Advocate that the property stands in the name of one Chidambaram. But the petitioner is in occupation of the property. The said Chidambaram is said to have filed civil suit for declaration and recovery of possession. The suit had been



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decreed against the petitioner herein. The petitioner had filed an appeal.

If the petitioner succeeds in the civil proceedings, he can call upon the second respondent to assess the property in his name and receive tax from him and issue receipt. Till the petitioner succeeds in the civil proceedings, he cannot get any relief. As rightly pointed out by the learned Government Advocate, this writ petition suffers from the vice of non-joinder of necessary parties. When the petitioner know that Chidambaram is the rival claimant, he ought to have impleaded him as a party. The writ petition stands dismissed. No costs.

31.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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(Village Panchayat), Railway Station Road,
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G.R.SWAMINATHAN, J.

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