



W.P(MD)No.23165 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23165 of 2015

and

M.P.(MD)No.2 of 2015

J.M.Munavar Sulthana

... Petitioner

Vs.

1.The Executive Officer,
Papanasam Selection Grade,
Town Panchayat,
Papanasam,
Thanjavur District.

2.J.M.Mohammed Rafiq

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.no.293/2015/A2 dated 08.06.2015 and quash the same.

For Petitioner : Mr.G.Mohan Kumar

For Respondents : Mr.M.Rajarajan for R1
: Mr.V.Chandrasekar for R2



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ORDER

Heard both sides.

2. The case of the petitioner is that the property tax assessment in respect of the petition mentioned properties was unilaterally mutated in favour of the second respondent without notice to the petitioner herein.

3. From a reading of the materials on record, it is seen that the first respondent did not put the petitioner on notice. Based on the legal notice given by the second respondent, the impugned proceedings came to be issued. The petitioner's name was earlier figuring in the record. It is for this reason that is violation of the principles of natural justice, the impugned proceedings dated 08.06.2015 is set aside.

4. The learned counsel for the second respondent would submit that the second respondent has filed partition suit in O.S.No.91 of 2014 on the file of the second Additional District Judge, Thanjavur and that preliminary decree has been passed in his favour and it covers the petition mentioned properties. The learned counsel would further submit that the second respondent is having a registered settlement in his favour and that the civil court has rendered a finding that the petitioner has no legal right as such.



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5. The learned counsel for the petitioner have no instructions on this. Even though I have set aside the impugned proceedings, liberty is given to the second respondent to submit a fresh application before the first respondent. The first respondent will issue notice to the petitioner as well as the second respondent and the assessment register shall be in consonance with the findings rendered by the jurisdictional civil Court in the preliminary decree. This exercise shall be completed within a period of six weeks from the date of receipt of the application from the second respondent.

6. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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