



W.P(MD)No.190 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.190 of 2016 and
WMP(MD) No.154 of 2016

Parameswari

... Petitioner

Vs

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

2.P.Balasubramanian

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue the property tax receipt with respect to the petitioner's premises bearing Door No.18Z-39,40,41, police Line Street, Tharadikottai, Tiruppuvanam, Manamadurai, Sivagangai District within the time stipulated by this Court.

For Petitioner

: Mr.J.Balameenakshi

For R1

: Mr.M.Sarangan

Additional Government Pleader

For R2

: No appearance



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ORDER

This writ petition was filed for a Mandamus, directing the first respondent to issue the property tax receipt with respect to the petitioner's premises bearing Door No.18Z-39,40,41, police Line Street, Tharadikottai, Tiruppuvanam, Manamadurai, Sivagangai District within the time stipulated by this Court.

2.Today(05.10.2023), when this writ petition is taken up for hearing, it is reported that the petitioner has already filed another writ petition in WP(MD) No.10282 of 2013 as against the order passed by the Executive Officer, Thiruppuvanam Town Panchayat and the said writ petition was disposed of by this Court by order dated 12.11.2012 in the following terms:-

9. The petitioner claims that she has purchased the property from the second respondent by a sale deed dated 04.03.1988, however, the same was cancelled by the second respondent on 26.06.1990. Thereafter, the



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petitioner has filed a suit for declaration and perpetual injunction as against the second respondent before the Sub Court, Sivagangai, in O.S.No.137 of 1992 and the same was dismissed by its Judgment and Decree dated 15.03.1995. As against the same, the petitioner has preferred an appeal suit before the District Court, Sivagangai, in A.S.No.45 of 1995, which was also dismissed by the District Court, by its Judgment and Decree dated 15.12.1995. As against the concurrent findings of the Courts below, the petitioner has also filed a Second Appeal before this Court in S.A. (MD)No.881 of 1990 and the same was dismissed by this Court by its Judgment and Decree dated 26.11.2008.

10. This Court, while disposing the second appeal, held that even though the plaintiff claims that she is in possession of the suit property, her mere possession will not clothe title to the suit property by virtue of Ex.A1 a void sale deed. As against the same, the petitioner has also preferred a Special Leave Petition (Civil) Nos.15885 – 15886 of 2009 before the Hon'ble Supreme Court. The Hon'ble Supreme Court, by order dated 26.10.2009 dismissed the Special Leave Petition.



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However, the petitioner, without making any reference to the above orders, approached the first respondent for building plan approval. The first respondent has also granted building plan approval on 24.07.2012. Thereafter, on the objection made by the second respondent, the first respondent has conducted an enquiry by issuing a notice to the petitioner on 22.10.2012, calling upon the petitioner to produce relevant documents, if any. However, the petitioner has not responded to the same. Therefore, the first respondent, based on the Judgments passed by the Courts, has cancelled the building plan approval and the tax assessment made in favour of the petitioner.

11. In view of the Judgment passed by this Court in S.A.No.881 of 1990 and the order of dismissal passed by the Hon'ble Supreme Court in the Special Leave Petition, this Court is not inclined to interfere with the impugned order passed by the first respondent.

3. In view of the order passed by this Court in the writ petition filed by the petitioner herein and the same has been disposed



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of with the above terms, this writ petition is dismissed. No costs.

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Consequently, connected Miscellaneous Petition is closed.

05.10.2023

NCC: Yes/No

Index: Yes/No

Internet: Yes

vrn

To

The Executive Officer,
Thiruppavanam Town Panchayat,
Sivagangai District.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.190 of 2016

05.10.2023