



W.P(MD)No.27907 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27907 of 2023

W.Navin Daniels

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai City,
Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to make necessary correction to the property tax assessment register by including the petitioner's name in respect of the petitioners portion of property in Door No.5, Perumalnandhavanam Street, Zone-4, Ward No.87, Madurai City, Madurai, by considering the petitioner's representation dated 07.03.2023.

For Petitioner : Mr.A.Rajaram

For Respondent : Mr.K.Sivabalan,
Standing Counsel.



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ORDER

Heard both sides.

2.The petitioner's father filed W.P.(MD)No.18372 of 2021 for entering his name in the property tax assessment register. The writ petition was disposed of on 07.10.2021 with the following directions:-

“8.In that view of the matter, this Court inclined to dispose this Writ Petition with the following order:

that there shall be a direction to the respondent Corporation to consider the application of the petitioner dated 24.01.2020 and pass orders thereon, on merits and in accordance with law, by taking into account the documents submitted therein as well as the further representation dated 04.08.2021 and such final order shall be passed on the said application dated 24.01.2020, within a period of four weeks from the date of receipt of a copy of this order.”

Since it was not complied with, the petitioner's father filed Cont.P.(MD)No.967 of 2022. During the pendency of the contempt proceeding, the petitioner's father passed away. The contempt petition was dismissed on 17.02.2023 in the following terms:-



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“2. Learned Counsel for the Petitioner states that the Petitioner has died after filing of the Writ Petition and has produced a copy of the death certificate, which is placed on record.

In view of the same, the Contempt Petition is dismissed as abated with a clarification that the legal representatives of the deceased Petitioner are not precluded from applying for revival of the Writ Petition, if necessary, in accordance with law. No costs.”

3.I want to make three remarks. A contempt petition cannot be dismissed as abated. W.P.(MD)No.18372 of 2021 was already disposed of. The question of reviving the same did not arise at all. It is well settled that contempt proceeding is one between the Court and the contemnor. The petitioner in a contempt petition is in the position of an informant. His death could not have led to the abatement of the contempt proceedings. In any event, the authority was not justified in driving the petitioner to move this Court again for relief. The learned standing counsel for Madurai Corporation undertakes before this Court that the petitioner's representation would be enquired into and disposed of and a



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final order passed within a period of three weeks from today ie.,
27.11.2023.

4.This writ petition is disposed of accordingly. No costs.

27.11.2023

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

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