



W.A. No.1464 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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B.R. Beedu

Appellant

Vs

1 The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 641 001

2 The Assistant Commissioner
Central Zone
Coimbatore City Municipal Corporation
Coimbatore 641 018

3 K. Murali

4 D. Prabu

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
challenging the order dated 09.02.2024 passed in W.P. No.32741 of
2023.



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For appellant

Mr. Subbiah, Sr. Counsel
for Mrs. Elizabeth Ravi

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Heard Mr. Subbiah, learned Senior Counsel representing Mrs.Elizabeth Ravi, learned counsel on record for the appellant. Notice to the respondents is dispensed with since no order prejudicial to their interest is passed.

2. The germane facts leading to the filing of this writ appeal, could succinctly be stated thus:

2.1. The appellant claims that the subject land initially belonged to him and his daughter; while so, he entered into a joint development agreement with the fourth respondent for construction of a multi-storeyed residential apartments in the subject land; as per the joint development agreement, the appellant was given five flats towards his share, out of which, the third respondent purchased one flat from him; since the third respondent made only



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a part payment towards the cost of the flat and defaulted in respect of balance payment, he addressed as many as five representations to the official respondents seeking to incorporate his name in the property tax assessment owing to the default on the part of the third respondent in settling the full value of the flat; finding no response thereto, he filed W.P. No.32741 of 2023 seeking a mandamus to the official respondents to consider and pass orders on his representations.

2.2 The learned Judge, *vide* order dated 09.02.2024, noticed that the issue as to whether the third respondent made full payment to the appellant, towards the purchase price of the flat, is a civil dispute. Further, on the basis of the sale deed entered into between the appellant and the third respondent, and also the construction agreement entered into between the third respondent and fourth respondent, the learned Judge came to the conclusion that since title to the property has been conveyed to the third respondent, a mandamus, as sought by the appellant, cannot be issued to the official respondents. However, the learned Judge



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disposed of the writ petition observing that it is open to the appellant to approach the jurisdictional Civil Court *qua* any claim against the respondents 3 and 4.

2.3 The aforesaid order passed by the learned Judge is under assail in this writ appeal.

3 Seemingly, in this writ appeal, the appellant is primarily aggrieved by the finding rendered by the learned Judge *qua* title to the property in question.

4 In our considered view, the issue on hand being purely civil in nature, the learned Judge is perfectly justified in relegating the appellant to the jurisdictional civil forum.

5 Accordingly, the order impugned herein is confirmed and liberty is granted to the appellant to move the Civil Court, if so advised. While observing so, to secure the ends of justice, we make it clear that upon being moved by the appellant, the Civil



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Court shall render its judgment without being influenced by the observations made by the learned Judge *qua* title to the property in question.

This writ appeal stands disposed of on the above terms. Costs made easy.

(R.M.D., ACJ.) (M.S.Q., J.)
04.06.2024

Index : Yes/No
NC : Yes/No

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THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ.J.

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