



W.P.(MD) No.2595 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.2595 of 2023

and

W.M.P.(MD) Nos.2357 & 2361 of 2023

Saroja

... Petitioner

Vs.

1.The Commissioner of Municipality,
Pudukkottai Municipality Office,
Pudukkottai Town,
Pudukkottai District.

2.Kannagi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 09.05.2022 bearing reference No.ப.கொ.51/பெ.மா.எண்.97/2002/அ2 passed by the first respondent in the name of the second respondent and quashing the same and further directing the first respondent to restore the house tax assessment in the name of the petitioner in respect of Plot No.140 of M.M.A.Nagar, Pudukkottai Town.



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For Petitioner : Mr.R.Paranjothi
For R1 : Mr.S.Kameshwaran
Standing Counsel
For R2 : No appearance

ORDER

Although notice has been served on the contesting respondent i.e., second respondent and vakalat has been filed on behalf of the second respondent, there is no representation for the second respondent before this Court today.

2. In this Writ Petition, the petitioner has challenged the impugned order dated 09.05.2022, bearing reference No.பி.கொ.51/பெ.மா.எண். 97/2002/அ2 passed by the first respondent, transferring the name for property tax assessment in respect of Plot No.140 of M.M.A.Nagar, Pudukkottai Town, from the petitioner's name to the second respondent's name.

3. The case of the petitioner is that the second respondent has filed O.S.No.158 of 2024 before the Principal District Court, Pudukkottai for a



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declaration that the subject property was that of the second respondent. It is submitted that by a Judgment and Decree dated 12.12.2008, the Principal District Court, Pudukkottai has dismissed the said suit filed by the second respondent and a further appeal before this Court in A.S.(MD) No.210 of 2009 was also dismissed for non-prosecution on 23.02.2018.

4. Hence, it is submitted that the transfer of the property tax assessment in the second respondent's name, made by the first respondent warrants interference. Hence, the learned counsel for the petitioner prayed for quashing the impugned order and a positive direction in favour of the petitioner.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the first respondent.

6. *Prima facie*, it appears that the petitioner has been able to establish that the second respondent is not the owner of the property though there is a Sale Deed dated 14.10.1999 in favour of the second respondent. In case the petitioner wants to establish that the petitioner is



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the owner of the property, the petitioner has to produce necessary Sale Deed before the first respondent.

7. The first respondent shall consider the same and pass appropriate orders for re-transfer of name for property tax assessment. Needless to state, the second respondent and the petitioner shall be heard before orders are passed.

8. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.06.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

The Commissioner of Municipality,
Pudukkottai Municipality Office,
Pudukkottai Town,
Pudukkottai District.



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C.SARAVANAN, J.

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