



W.A.(MD) No.412 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) No.412 of 2021
and
C.M.P.(MD) No.1532 of 2021**

Selvaraj

... Appellant

-vs-

1.Muthu Lakshmi

2.The Assistant Commissioner
Zone No.3, Madurai Corporation
Madurai

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.10.2020, passed in W.P.(MD) No.890 of 2020, on the file of this Court.

For Appellant : Mr.Pethu Rajesh

For Respondents : Mr.S.A.Ajmal Khan for R1
Mr.K.K.Kannan
Standing Counsel for R2



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J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

After hearing both the parties, we find that the first respondent filed the writ petition in W.P.(MD) No.890 of 2020 seeking to set aside the property tax assessment in the name of the Selvaraj and to transfer the same in her name.

2. The said writ petition was allowed by the learned Single Judge by order dated 01.10.2020 at the admission stage itself, on the short point that the first respondent herein was not put on notice. Now, the second respondent in the writ petition has filed this writ appeal, challenging the order passed by the learned Single Judge, on the ground that without he being put on notice, the writ petition could not have been allowed.

3. Now, reliance has been made by the learned counsel for the appellant upon the civil suit pending between the appellant and the first respondent in O.S.No.673 of 2020, on the file of the Principal Sub Court, Madurai, in respect of the very same subject property, wherein the the property tax assessment is a subject matter, on the point of disputed title.



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4. Since a title suit is already pending even on the date of disposal of the said writ petition, we are of the view that the order passed by the learned Single Judge is necessarily to be interfered with.

5. Accordingly, this writ appeal is allowed and the order dated 01.10.2020, passed in W.P.(MD) No.890 of 2020, is set aside. The parties are relegated to the Civil Court and they shall abide by the decree of the Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]
22.11.2024

NCC : Yes / No
Index : Yes / No
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