



W.P(MD)No.7031 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7031 of 2024

S Subaitha Beevi

... Petitioner

Vs

1.The District Collector,
O/o. the District Collector,
Sivagangai District,
Sivagangai.

2.The Executive Officer,
Vetriyur Village Panchayat,
Kallal Block,
Sivagangai District.

3.The President,
Vetriyur Village Panchayat,
Kallal Block,
Sivagangai District.

4. A Rahmathullah

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation



W.P(MD)No.7031 of 2024

dated 12.01.2024 and transfer the property tax assessment (Assessment No.522) in respect of the premises situated at Door No. 4/8/1, Melakudiyiruppu North, Vetriyur Village, Kallal Block, Sivagangai District, in favour of her husband Sheik Mohamed Abdullah.

For Petitioner	:Mr.D.Shanmugaraja Sethupathi
For R1	:Mr.G.V.Vairam Santhosh Additional Government Pleader
For R2 & R3	:Mr.A.Kannan Additional Government Pleader

ORDER

The petitioner with a grievance that the property tax for the property in Door No.4/8/1, Melakudiyiruppu North, Vetriyur Village has been transferred in the name of the fourth respondent, when a civil proceedings is pending before this Court on the subject property has approached this Court.

2.The learned counsel appearing for the petitioner submits that the petitioner's husband has filed a civil suit in O.S.No. 20 of 2011 before the Subordinate Court, Devakottai for the relief of



W.P(MD)No.7031 of 2024

WEB COPY

partition and for declaration, declaring the sale deed executed by the father-in-law of the petitioner in favour of the fourth respondent is null and void and the suit was decreed in favour of the petitioner's husband on 05.11.2012. Challenging the same, an appeal was preferred by the fourth respondent in AS No.5 of 2013 before the District Court, Sivagangai and the same was allowed in his favour by a judgment dated 07.04.2014. As against the same, the petitioner has filed second appeal in S.A(MD) No. 766 of 2021 before this Court and the same is still pending. By referring the second appeal, the petitioner has submitted a representation to the respondents 3 & 4 and also filed this writ petition, seeking a Mandamus to consider his representation and to take a decision for transfer of property tax in favour of the petitioner's husband.

3.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the first respondent. Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 2 & 3.



W.P(MD)No.7031 of 2024

WEB COPY

4.Since the fourth respondent has already obtained an order from the competent civil Court in A.S No.5 of 2013 and challenging the same, the petitioner's husband has filed Second appeal before this court and it is still pending in SA(MD) No. 766 of 2021, this Court is not inclined to entertain this writ petition at this stage.

5.Accordingly this writ petition is dismissed with a liberty to the petitioner to work out his remedy on the outcome of the second appeal which is pending before this Court. No costs.

21.03.2024

NCC: Yes/No

Index:Yes

Internet:Yes

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W.P(MD)No.7031 of 2024

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B.PUGALENDHI, J.

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Order made in
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