



W.P.(MD) No.8826 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM

**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**W.P.(MD) No.8826 of 2021**

M.Murugeswari

... Petitioner

Vs.

1.The Commissioner,  
Madurai Corporation,  
Annal Maligai,  
Alagar Kovil Salai,  
Madurai - 625 002.

2.The Assistant Commissioner,  
South Zone, Madurai Corporation, Madurai-1.

3.V.Muthuramalaingam

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order dated 18.09.2020 passed by the second respondent, quash the same as illegal and direct the respondents to do assessment for weighing house tax over the house property of the petitioner situated in Plot No.25, Annai Nagar, Kovalan Nagar, Old Corporation Ward No.64, New Ward No.92, Madurai.

For Petitioner

: Mr.A.Raja

For R1 and R2

: Mr.K.K.Kannan  
Standing Counsel



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For R3 : Ms.N.Gayathri

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### **ORDER**

This Writ Petition is of the year 2021. Despite service of notice on the third respondent earlier, no counter affidavit has been filed by him till date. The official respondents have also not filed any counter affidavit and there no instructions forthcoming from the Official respondents as well.

2. The petitioner claims to have purchased the property measuring an extent of 814 sq.ft. in the year 2003, vide a registered sale deed bearing Document No.3915 of 2003, in which, the petitioner has put up a construction and therefore, he wanted the Official respondents to assess the property tax. Hence, the petitioner has sent a representation to the second respondent dated 03.02.2020 and to the first respondent dated 02.09.2020. The second respondent, vide his impugned proceedings dated 18.09.2020, has stated that the third respondent has objected to the assessment.

3. On a query as to whether any suit has been filed against the petitioner, the learned counsel for the petitioner submits that the petitioner has not received any notice or summons from any Court.



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4. The learned counsel for the third respondent is unable to confirm the same and she seeks time to file counter affidavit.

5. The representation of the petitioner cannot be kept in a limbo merely because the third respondent is objecting to assess the property, which was purchased by the petitioner, on which, the petitioner has put up a small construction of 10 x 16 feet.

6. Be that as it may, the respondents are directed to issue an assessment card to the petitioner without prejudice to the right of the third respondent to work out his remedy against the petitioner in the manner known to law. This exercise shall be carried out by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands allowed with the above liberty to the third respondent. No costs.

Index : Yes/ No  
Neutral Citation: Yes / No  
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To

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**C.SARAVANAN, J.**

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