



W.P.(MD) No.1135 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.1135 of 2018

P.Sathiya Priya

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Executive Officer,
Arumuganeri Town Panchayat,
Arumuganeri – 628 202,
Thoothukudi District.

3.K.S.Deepa Sundaram

4.K.Navaneetha Pandian

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 not to assign property tax in the name of the fourth respondent in respect of property in S.F.Nos.212/6 and 213/5, situated at Kandasamypuram Village, Thiruchendur Taluk, Thoothukudi District, by considering the petitioner's representation dated 07.12.2017, within a stipulated time to be fixed by this Court.



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For Petitioner : Mr.S.Ramsundarvijayraj
for M/s.Veera Associates

For R1 : Mr.A.Sivanupandian
Government Advocate

For R2 : No Appearance

For R3 : No Appearance

For R4 : Mr.A.Mohamed Haneef

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to assign property tax in the name of the fourth respondent in respect of property in S.F.Nos.212/6 and 213/5, situated at Kandasampuram Village, Thiruchendur Taluk, Thoothukudi District, by considering the petitioner's representation dated 07.12.2017.

2. It is noticed that the petitioner had earlier filed a suit against the respondents 3 and 4 in O.S.No.185 of 2017 before the District Munsif Court, Tiruchendur. In the said suit, the petitioner had challenged the sale of property by the third respondent, who is the petitioner's brother to the fourth respondent. The said suit was dismissed for default on 16.03.2021.



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However, no steps have been taken by the petitioner to revive or restore the suit to the file of the Court below. The petitioner having rightly invoked the jurisdiction of the Civil Court for determination of rights, cannot expect from the Court to restrain the respondents in the absence of proper determination of the rights of the petitioner in the suit. In fact, even the suit had not filed earlier, this Court would have directed the petitioner to work out the remedy before the Civil Court. Therefore, the Writ Petition has to be dismissed. Accordingly, it is dismissed with liberty to the petitioner to take steps to restore the suit to the file of the Court below.

No costs.

03.04.2024

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2
To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Executive Officer,
Arumuganeri Town Panchayat,
Arumuganeri – 628 202,
Thoothukudi District.



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C.SARAVANAN, J.

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