



W.P.(MD) No.19025 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.19025 2024

Thomai Tamil Doss ... Petitioner

-vs-

1.The Commissioner,
Sivagangai Municipality,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

3.The Town Surveyor,
Sivagangai,
Sivagangai District.

4.Veerapathiran ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned notice passed by the first respondent in his



W.P.(MD) No.19025 of 2024

proceedings in Na.Ka.No.971/2024/A1, dated 12.07.2024, and quash the same as illegal, and consequently direct the first respondent to restore the property tax stood in the name of petitioner's wife on the basis of the petitioner's representation, dated 30.07.2024.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.D.Gandhiraj,
Spl.Govt.Pleader.

ORDER

This Writ Petition has been filed for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned notice passed by the first respondent in his proceedings in Na.Ka.No. 971/2024/A1, dated 12.07.2024, and quash the same as illegal, and consequently direct the first respondent to restore the property tax stood in the name of petitioner's wife on the basis of the petitioner's representation, dated 30.07.2024.

2. According to the petitioner, the property bearing old Survey No. 40/6, Town Survey No.8, Sivagangai Town and District, to a total extent of 27



W.P.(MD) No.19025 of 2024

WEB COPY

cents was the ancestral property of the petitioner's wife. The petitioner has put up shops in an extent of 7 cents 18 years ago, which is situated on the northern side, and necessary tax has already been paid to the authorities concerned. While that being so, the fourth respondent has created a forged document and executed a settlement deed in favour of his wife on 20.06.2023 vide document No.1422/2023. In this regard, the petitioner gave a complaint to the District Registrar, which is pending. Taking note of the above said document, namely, the settlement deed, executed by the fourth respondent in favour of his wife, the impugned order has been passed, changing the assessment in the name of the fourth respondent's wife. Challenging the same, the petitioner has filed this Writ Petition.

3. On perusal of the affidavit filed in support of the writ petition, this Court is of the view that civil rights and property disputes cannot be adjudicated in writ petition. Merely because assessment has been changed on the basis of a document executed by third parties, that will not take away the rights of the parties.

4. The main grievance of the petitioner is with regard to the execution of settlement deed by the fourth respondent in favour of his wife.



W.P.(MD) No.19025 of 2024

WEB COPY

According to the petitioner, the said document is a forged instrument. Such contention has no legal force for the simple reason that the person claiming to be owner of the property executes a certain document and such transaction can never be called forged. In such view of the matter, it is for the petitioner to work out his remedy in the manner known to law by filing appropriate suit in civil court and establish his right. If the petitioner succeeds in the suit, automatically], the impugned order will be invalid.

5. Writ Petition is dismissed accordingly. No costs. Consequently, the connected W.M.P.(MD) Nos.16103 and 16104 of 2024 are closed.

06.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

dixit



WEB COPY



W.P.(MD) No.19025 of 2024

To:

- 1.The Commissioner,
Sivagangai Municipality,
Sivagangai,
Sivagangai District.
- 2.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.
- 3.The Town Surveyor,
Sivagangai,
Sivagangai District.



WEB COPY



W.P.(MD) No.19025 of 2024

N.SATHISH KUMAR, J.

dixit

W.P.(MD) No.19025 of 2024

06.08.2024