



W.P(MD)No.3876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3876 of 2024

S.Gopinath

... Petitioner

Vs.

1.The President,
Vilathurai Village Panchayat,
Kappukadu Post,
Kunnathoor Village,
Vilavancode Taluk,
Kanyakumari District.

2.S.K.Subashini

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings No. Nil dated 02.04.2022 and quash the same as illegal and consequently direct the first respondent to make mutation and receive property tax in the name of the petitioner to the house bearing Door No. 26/27 of Villathurai Village Panchayath situated on 8.750 cents land in Resurvey No. 148/16 of Kunnathoor Village, Vilavancode Taluk



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in Kanyakumari District, within the period that may be stipulated by this Court.

For Petitioner : Mr.V.H.S.Prathap

For Respondents : Mr.A.Baskaran
Additional Government Pleader
for R.1

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the first respondent. Though the second respondent has been served and their name is printed in the cause list, she has not chosen to enter appearance.

2.The only issue that calls for consideration is whether the house tax in respect of the petition mentioned property should be assessed in the name of the petitioner.

3.Since the second respondent raised objections and since civil suit is pending between the parties, the first respondent declined to accept the petitioner's request. Challenging the stand of the local body, the present writ petition came to be filed.



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4.It is not in dispute that the assessment of the petition mentioned property was in the name of one Sundaram. From the said Sundaram and his wife Kalakumari, the petitioner had purchased the property vide sale deed dated 19.10.2020. It is a registered document. The second respondent has raised objections and she has taken the stand that it is an ancestral property. This issue has been resolved only by the jurisdictional civil Court. When the assessment was in the name of Sundaram and when the petitioner has purchased the property, the assessment should be changed in favour of the purchaser. This shall be done by the first respondent immediately and without delay. It goes without saying that the mutation of assessment shall abide by the outcome of the civil suit. The petitioner herein cannot take advantage of this mutation in the pending suit.

5.This writ petition is allowed accordingly. There shall be no order as to costs.

20.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

The President,
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Kappukadu Post,
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Kanyakumari District.

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