



W.P.(MD) No.2989 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.2989 of 2025

Muthuramalingam

... Petitioner

-VS-

1.The District Collector
Tenkasi District
Tenkasi

2.The Commissioner
Sankarankovil Panchayat
Sankarankovil
Tenkasi District

3.Suresh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 09.10.2024.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.K.Selva Ganesan
Additional Government Pleader for R1
Mr.M.Rajarajan
Standing Counsel for R2



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ORDER

The petitioner has made a claim against the property bearing Door Nos.21, 21/1 and 21/2, situated at Lakshmipuram, Sankarankovil Panchayat, Tenkasi District, by instituting a suit in O.S.No.15 of 2007, on the file of the Court of the Sub Judge, Sankarankovil. The said suit was dismissed and the appeal filed against the said Judgment was also dismissed by the Court of the III Additional District Judge, Tirunelveli, in A.S.No.26 of 2015. Aggrieved thereby, the petitioner claims to have filed an appeal in S.A. (MD) No.378 of 2018, on the file of this Court and the same is pending.

2. Admittedly, no interim order is passed in the said second appeal. During the pendency of the said second appeal, the other parties, who have succeeded before the Trial Court as well as the Lower Appellate Court appear to have sold a portion of the property in favour of a third party and the said property now appears to have been mutated in the name of the third party, by name, Mr.Suresh Kumar. Aggrieved by the said mutation, the petitioner has approached this Court by filing the present writ petition complaining that he was not put on notice before changing the entries in the property tax register and also on the ground that the said transfer was made during the pendency of the litigation before this Court.



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3. This Court, after examining the matter thoroughly, is convinced that unless and until the petitioner obtains appropriate interim order in the pending second appeal or succeed in the said matter, he cannot make any claim against the property in question and has no locus to object for mutation or change of entries in the property tax register in respect of the property in question.

4. In such circumstances, this Court does not find any merit in the writ petition and the same is, accordingly, dismissed. However, it is left open to the petitioner to work out his remedy either in the pending second appeal or otherwise in accordance with law. No costs.

03.02.2025

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

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To:
The District Collector,
Tenkasi District,
Tenkasi.

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MUMMINENI SUDHEER KUMAR, J.

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