



W.P(MD)No.9973 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9973 of 2024

V.Ajith

... Petitioner

Vs.

- 1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 3.The Assistant Commissioner,
Tirunelveli City Municipal Corporation,
Palayamkottai Zone,
Tirunelveli.
- 4.Annai Velankanni Matha Kebi Charitable
Trust, Represented by its Managing Trustee,
Louis P Raya No.6, Police Hospital Street,
Palayamkottai, Tirunelveli-627 002.
(R4 is impleaded vide order dated
18.11.2025 in W.M.P.(MD)No.11436 of 2025
by GRSJ)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action on the petitioner's representations dated 21.03.2024 and



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23.03.2024 within time framed to be fixed by this Court.

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For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.S.P.Maharajan
for R1 & R3

: Mr.K.Jeyamohan
for R4

: Mr.A.Albert James
Government Advocate
for R2

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondent corporation 1 & 3 and the learned Government Advocate for the Commissioner of Police, Tirunelveli City.

2. The fourth respondent herein got impleaded on 18.11.2025. On the said date, the matter was adjourned. The impleaded respondent was directed to produce proof such as payment of electricity receipt etc., to show that they are in possession of the petition mentioned property.

3. The learned counsel appearing for the fourth respondent has not filed any such proof today. He seeks time. I am not inclined to grant request for adjournment. This is because, the fourth respondent filed the impleading



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petition way back in June 2024. They are in the scene for almost 1 ½ years.

The entire case of the impleaded respondent is set out in the affidavit filed in support of W.M.P.(MD)No.11463 of 2025.

4. The only question that calls for consideration is in whose name, the petition mentioned property should be assessed. The property belonged to one T.Kannagaraj. Kanagaraj got married to Stella and through wedlock, Joseph Antony Arokkiya Selvi was born. She got married to the writ petitioner herein. The petition mentioned property is a three storied structure. The ground floor and the first floor are run as marriage hall. In the second floor, there are 10 portions and the petitioner is residing in one of the portions. The fourth respondent claims that the entire property was bequeathed in their favour by late Kanagaraj through a registered Will dated 05.11.2004. According to the fourth respondent, the registered Will came into force following the demise of Kanagaraj.

5. Stella Kanagaraj and her daughter filed O.S.No.1 of 2025 on the file of the first Additional District Judge, Tirunelveli seeking the relief of declaration and permanent injunction. The suit was decreed on 23.12.2009. Aggrieved by the same, the fourth respondent filed A.S.No.12 of 2011 before the High Court.



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The appeal was allowed on 21.11.2011 resulting in the dismissal of the suit.

Challenging the same, Stella Kanagaraj and the writ petitioner's wife filed S.L.P.(Civil)No.27344 of 2011. The Hon'ble Supreme Court granted stay of the Judgment passed by this Court. As on date, interim order is in force.

6. I carefully went through the affidavit filed by the impleaded respondent. No where, there is any averment that they had taken possession of the petition mentioned property following the demise of the said Kanagaraj. However, to give opportunity to both the parties, the matter was adjourned. The writ petitioner has produced the electricity bill as well as BSNL landline connection bills to show that he is in possession of the suit property. On the other hand, there is a complete paucity of pleading as well as proof on the part of the fourth respondent to show that they are in possession of the suit property.

7. The case on hand involves only assessment of the building. The local body has to collect the property tax from the occupant. I am satisfied that Stella Kanagaraj and her daughter Jospeh Antony Arokkiya Selvi and the writ petitioner are residing in the suit property. Assessment has to be made in favour of Stella Kanagaraj and her daughter Joseph Antony Arokkiay Selvi. It is needles to mention that rights of the parties will abide by the outcome of the



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case that is presently pending before the Hon'ble Supreme Court. The Writ

Petition is allowed accordingly. No costs.

21.11.2025

Index : Yes / No

Internet : Yes/ No

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To

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2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.The Assistant Commissioner,
Tirunelveli City Municipal Corporation,
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G.R.SWAMINATHAN, J.

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