



W.A.(MD)No.1553 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1553 of 2021

and

C.M.P(MD)No.6394 of 2021

G.Antony Raj

... Appellant /
Petitioner

Vs.

1.The District Collector cum
Inspector of Panchayath,
Tuticorin District.

2.The Block Development Officer,
Village Panchayath,
Kayathar, Tuticorin District.

3.The President,
Kamanayakkanpatti Panchayath,
Kayathar Taluk,
Tuticorin District.

4.Bhakiyanathan
5.I.Anthony Rajan

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P(MD)No.8614 of 2021 dated 27.04.2021 on the file of this Court, by allow the Writ Appeal in toto.



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For Appellant : Mr.M.Ponniah

For Respondents : Mr.G.Vairam Santhosh
Additional Government Pleader
for R.1 to R.3

Mr.V.Veerapandian
for M/s.VAST Law Associates
for R.4 & R.5

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.

Heard both sides.

2.The petitioner questioned mutation of property tax assessment in favour of the private respondents. The learned single Judge dismissed the writ petition vide order dated 27.04.2021 on the ground that the petitioner had already filed O.S.No.164 of 2020 before the Sub Court, Kovilpatti and that therefore he should workout his remedy only in the pending suit. He cannot be allowed to file parallel writ petition.

3.The appellant is apprehensive that the civil Court may non-suit him by citing the dismissal of the writ petition. We clarify that the learned single Judge did not go into the merits of the matter.



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4.The petitioner had only been relegated to pursue the remedy

in the pending civil suit. We therefore clarify that the civil Court shall decide the issue independently and on its own merits.

5.This Writ Appeal is disposed of with the aforesaid observation. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
12.02.2025

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

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