



W.P(MD)No.11349 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11349 of 2024

and

W.M.P(MD)No.10092 of 2024

N.Ilaya Alwar

... Petitioner

Vs.

1.The Executive Officer,
The Town Panchayat,
Ettaiyapuram,
Thoothukudi District.

2.Suhartha @ Furshiya Nihail

3.Chandran

... 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 Na.Ka.No.160/2022/A2 dated 10.05.2024 and quash the same as illegal and to direct the first respondent to restore the name of the petitioner in the tax demand register maintained by the first respondent.



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For Petitioner : Mr.N.GA.Natraj
for Mr.M.Senguvijay

For Respondents : Mr.A.Kannan
for R.1

Mr.G.Prabhu Rajadurai
for Mr.C.Nihil Nandha
for R.2 & R.3

ORDER

Heard both sides.

2.The impugned order dated 10.05.2024 operates to the prejudice of the writ petitioner. But the writ petitioner was not put on notice. That apart, the mutation in the assessment register came to be made on the basis of the Lok Adalat award dated 12.03.2022. I have already held in W.P(MD)No.10290 of 2025 that the said Lok Adalat award cannot affect the writ petitioner's right.

3.The learned counsel for the contesting respondent would point out that the writ petitioner's vendor could not have alienated the share belonging to the second respondent. He further asserts that the second respondent had not parted with her share with the writ petitioner. It is also asserted that the property which has been assessed to tax in favour of



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the writ petitioner had not been sold. These are factual aspects. To arrive at the right conclusion, enquiry will have to be conducted by putting both the parties on notice without taking the Lok Adalat award into account.

4.In this view of the matter, the order stands set aside. The matter is remitted to the file of the first respondent. The first respondent will issue notices to both the parties and pass a speaking order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter regarding the inter se claims of the parties.

5.This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

23.09.2025

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

MGA

To

The Executive Officer,
The Town Panchayat,
Ettaiyapuram,
Thoothukudi District.

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