

M.Sumathi vs the Commissioner

M.Sumathi vs the Commissioner

SooperKanoon Citation : sooperkanoon.com/1898128

Court : Chennai

Decided On : Mar-14-2025

Judge : Honourable Mr Justice J.Sathya Narayana Prasad

Appeal No. : WP/11998/2024

Appellant : M.Sumathi

Respondent : The Commissioner

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD
M.Sumathi ...Petitioner -Vs- 1.The Commissioner, Municipality Office,
Sholingur-631102.

2.M.Sekar 3.Varalakshmi ...Respondents Prayer: Writ Petition filed under
Article 226 of the Constitution of India, praying for the issuance of a
direction in the nature of Writ of Certiorarified Mandamus to call for the
records relating to the impugned order passed by the 1st respondent

vide Na.Ka.No.1029/2023/A1 dated 05.01.2024 and to quash the same and to enter my name in the property tax card for my

property situated at 18//52A, Sannathi Street, Sholinghur-631102. For
Petitioner : Mr.Nagarajan For Respondents : Mr.P.Gurunathan,
Additional Government Pleader for R1 M/s.S.Salai Geethan for R2 & R3

ORDER

The writ petition is filed for seeking to call for the records relating to the impugned order passed by the 1st respondent vide Na.Ka.No.1029/2023/A1 dated 05.01.2024 and to quash the same and to enter my name in the property tax card for my property situated at 18//52A, Sannathi Street, Sholinghur. The brief fact are as follows: 2.The petitioner's mother was having a house in Sannathi Street, Sholinghur. Due to her relationship she had executed gift deed in favour

of the petitioner's brother one Sekar herein the 2nd respondent. It was registered under document No.3831/2019. The petitioner's mother cancelled the gift deed on 16.12.2010 which was registered before the Sub-Registrar, Sholinghur. Thereafter, the mother executed the Will in favour of the petitioner and the same was also registered in 2013. Meanwhile Sekar has executed a settlement deed in favour of his wife one K.Varalakshmi and also registered the same. The petitioner's mother made a complaint before the District Registrar who cancelled the 2nd Respondent's settlement deed which was in favour of the 3rd Respondent and the said cancellation was reflected in the encumbrance certificate. Thereafter, the petitioner has applied for change of name in Patta, water tax, electricity card and obtained the same from the Department. Herein the 1st respondent has not issued the property tax in the name of the petitioner and also has rejected the same stating that a civil suit is pending. Aggrieved by the rejection of the 1st respondent the present Writ Petition has been filed.

3.The learned counsel appearing for the petitioner submitted that, after assessment, water tax is in the name of the petitioner and there is a Will executed in the name of the petitioner, after the cancellation of the settlement deed which was executed in favour of the 3rd respondent namely Varalakshmi, wherein a Will was executed in her name and the same was registered in SRO, Sholinghur.

4. Learned counsel for the petitioner further submitted that he has

given representation dated 04.01.2024 to make mutation in the record and to transfer the assessment of tax in the name of the petitioner pursuant to which the impugned order passed by the 1st respondent dated 05.01.2024. 5.Learned Additional Government Pleader submitted that the 1st respondent would submit that since the civil dispute was pending between the petitioner and the 2nd and 3rd respondent vide O.S.No.37 of 2014 on the file of the District Munsif Court, Sholinghur and the same is posted on 19.03.2025 for evidence.

6. Learned Additional Government Pleader further submitted

that the 1st respondent will make changes in the assessment of property tax in the name of the petitioner, subject to outcome of the suit in O.S.No.37 of 2014 on the file of the District Munsif Court, Sholinghur.

7.Heard both sides and perused the materials available on record. 8.In view of the above submission made by the learned counsel on either side, the 1st respondent is directed to enter the petitioner's name in the property tax card for his property situated in 18/52A, Sannathi Street, Sholinghur subject to outcome of the suit in O.S.No.37 of 2014 on the file of the District Munsif Court, Sholinghur within a period of six weeks from the date of receipt of a copy of this order.

9.Accordingly, this writ petition stands disposed of. No costs. 14.03.2025 vsn
Index : Yes / No

Speaking / Non-Speaking Order

To 1.The Commissioner, Municipality Office, Sholingur-631102.

J.SATHYA NARAYANA PRASAD, J.

vsn 14.03.2025

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com