

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. NO. 10476 of 2015

G.R. Thilak

...Petitioner

-vs-

1 The Commissioner
Corporation of Chennai
Chennai-3

2 The Assistant Revenue Officer
Corporation of Chennai
Zone-13, Division 170
Dr.Muthulakshmi Salai LB Road
Adyar, Chennai-20.

...Respondents

PRAYER: This Writ Petition under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing respondents 1 and 2 to consider the representation of the petitioner dated 7.3.2015 and pass orders within a time frame as may be fixed by this Court.

For petitioner : Mr. A.V. Arun

For respondents : Mr. B. B. Senthil Kumar

ORDER

By consent of both parties, the writ petition is disposed of at the stage of admission itself.

2. This Writ Petition has been filed by Mr. G.R. Thilak, under Article 226 of the Constitution of India, seeking a limited prayer for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider his pending representation dated 07.03.2015 wherein the petitioner has expressed his readiness to pay all pending tax obligations from his side.

3. Learned counsel appearing for the petitioner would submit that the petitioner has got a clear title to the property traceable from the year 1920. That apart, the patta bearing No. 2 also stands in the name of his Great Grandfather Mr. G.V. Krishnasamy Pillai. The sons and daughters of Mr. G.K. Kannabiran, after the demise of their father living in separate portions, by dividing among themselves have not changed the patta in their respective names. Taking advantage of the same, one Mr. Chelliah Nadar, claimed this property as belonging to him. Therefore, a suit for injunction in O.S. No.8494 of 2011 was filed against the petitioner's father, when he died 8 years ago. In view of the above fact that the suit was filed against the petitioner's father arraying him as a living defendant, I.A. No. 19068 of 2012 was filed in the pending suit for rejection of the plaint. Accordingly, accepting the prayer, the learned Trial Court by order dated 12.03.2013 rejected the plaint, by giving a detailed reasoning that the plaintiff therein has no cause of action. As against the order rejecting the plaint, till date no appeal has been filed. As the petitioner is one of the legal owners of the property, he has made a representation expressing his readiness to pay all the pending tax obligations. But the respondents till date have not considered the representation. Therefore, he was constrained to come to this Court.

4. At this point of time, taking notice, learned counsel appearing for the respondents submitted that his pending representation would be considered in the light of the order passed by learned Trial Court in I.A. No. 19068 of 2012 in O.S. No. 8494 of 2011.

5. Learned counsel for the petitioner would also submit that after paying the entire property tax in question, he would also collect the same from the other joint owners. The said statement is also recorded.

6. In view of the above, this Court directs the second respondent, Assistant Revenue Officer, Corporation of Chennai, Zone 13, Division 170, Dr. Muthulakshmi Salai, LB Road, Adyar, Chennai-20, to consider the pending representation, in the light of the order passed in I.A. No. 19068 of 2012 in O.S. No. 8494 of 2011, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of at the stage of admission itself. No order as to costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner
Corporation of Chennai
Chennai-3
- 2 The Assistant Revenue Officer
Corporation of Chennai
Zone-13 Division 170
Dr.Muthulakshmi Salai LB Road
Adyar, Chennai-20.
3. VIII Assistant Judge,
City Civil Court,
Chennai.

1 CC to Mr. A.V. Arun, Advocate SR.No. 20315

सत्यमेव जयते

W.P. NO. 10476 of 2015

EV (CO)
PSI (27.04.2015)

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