IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2015

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

.P.No.11367 of 2015

Mr.R.Raghupathy ... Petitioner

.. Vs ..

1. The Commissioner
Corporation of Chennai, Rippon Building,
Chennai.

2. The Assistant Revenue Officer,
Revenue Department, Zone Number-9,
Corporation of Chennai, Fourth Cross Street,
Nungambakkam, Chennai-34. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.12.2014 for converting the Property Tax Assessment pertaining to the property bearing Old Door No.51, New No.119, Luz Church Road, Mylapore, Chennai-600 004, from Commercial into residential assessment.

For Petitioner : Mr.D.Kanagasundaram
For Respondents : Mr.B.B.Senthilkumar

O R D E R

This writ petition has been filed by the petitioner praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.12.2014 for converting the Property Tax Assessment pertaining to the property bearing Old Door No.51, New No.119, Luz Church Road, Mylapore, Chennai-600 004, from Commercial into residential assessment.

2. Mr.B.B.Senthilkumar, learned counsel takes notice for the respondents.

3. The petitioner claims to be the absolute owner of the property bearing Old Door No.51, New No.119, situated in Luz Church Road, Mylapore, Chennai, and the said property was assessed by the

Corporation of Chennai vide No.09/123/05103/000 under commercial tariff. He had let out the above premises on lease to Shree Bharathalaya School of fine Arts, a charitable trust for running a school of fine arts and subsequently, the petitioner terminated the aforesaid lease agreement through a cancellation of lease agreement dated 04.09.2014 registered as Document No.2671 of 2014. Thereafter, he has taken possession of the premises after M/s. Shree Bharathalaya School vacated the same. Later on, the petitioner has converted the Electricity Service connection also from commercial to domestic tariff by making a representation to TANGEDCO for the said service No.128-001-104 and an order was also passed on 15.11.2014 accepting his representation. Only thereafter, he has made a representation dated 05.12.2014 to the second respondent requesting them to change the assessment of property tax from commercial to residential, as his tenant had already vacated the premises and handed over the vacant possession of the said property and even today, the petitioner is using the said property.

4. As the petitioner has terminated the lease agreement through a cancellation of lease agreement dated 04.09.2014 registered as Document No.2671 of 2014 and admittedly, it appears that the premises has also been taken possession by the petitioner, the respondent has to consider the representation submitted by the petitioner dated 05.12.2014 and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. It is needless to mention that the petitioner shall furnish a fresh representation along with the copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. s
Jrl

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner
Corporation of Chennai, Rippon Building,
Chennai.

2. The Assistant Revenue Officer,
Revenue Department, Zone Number-9,
Corporation of Chennai, Fourth Cross Street,
Nungambakkam, Chennai-34.

+ 1 cc to M/s.D.Kanagasundaram, Advocate SR 27020

+ 1 cc to M/s.B.B.Senthil Kumar, Advocate SR 27013

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