IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.20679 of 2015

D.V.Vandana ... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Tax Assessment Officer,
Adyar Zone,
Corporation of Chennai,
Chennai. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to cancel the assessment of tax from the name of R.V.Prema and assess the property tax in the petitioner name for the property bearing Door No.17, Old No.18, being a portion of Plot No.8 in L.A.No.8/1970, bearing Plot No.8/1, comprised in S.No.15/5 part of No.117, Pallipattu Village, bearing Present T.S.No.46/7, Block No.16 of Pallipattu Division, Madras by considering the petitioner representation dated 20.05.2015.

For Petitioner : Mr.S.Kumaresan

For Respondents: Mr.V.C.Selvakumaran

O R D E R

This writ petition has been filed by Mrs.D.V.Vandanan seeking a Writ of Mandamus directing the respondent to cancel the assessment of tax from the name of R.V.Prema and assess the property tax in the petitioner's name for the property bearing Door No.17, Old No.18, being a portion of Plot No.8 in L.A.No.8/1970, bearing Plot No.8/1, comprised in S.No.15/5 part of No.117, Pallipattu Village, bearing Present T.S.No.46/7, Block No.16 of Pallipattu Division, Madras by considering the petitioner's representation dated 20.05.2015.

2. It is the claim of the petitioner that the property situated at Door No.17, Old No.18, being a portion of Plot No.8 in L.A.No.8/1970, bearing Plot No.8/1, comprised in S.No.15/5 part of No.117, Pallipattu Village, bearing Present T.S.No.46/7, Block No.16 of Pallipattu Division, Madras was originally purchased by her father through a registered sale deed dated 30.05.2005, bearing Doc.No.3841/2005 with an extent of undivided share of 350 Sq. ft. with a Flat No.14, in 3rd floor measuring to an extent of 1205 Sq. ft in the name of Jasmine Enclave and his brothers also have purchased undivided share in separate sale deeds. Subsequently, they have engaged a builder with a joint venture agreement in the year 2005 for multi storied building and the same was also constructed. Thereafter, the petitioner's father in the year 2012 settled the third floor through a settlement deed bearing Doc.No.1657/2012 in her favour. Therefore, the petitioner claims to be the absolute owner of the property. When the petitioner approached the zonal Office for the assessment of tax, surprisingly she has noticed that the tax was assessed in the name of one R.V.Prema and the assessment order was also passed on 22.07.2014. Therefore, the petitioner has given a representation on 20.05.2015 to both the respondents to cancel the erroneous assessment and assess the tax property in her name. But, till date, no order has been passed in her favour.

3. Mr.V.C.Selvakumaran, learned counsel appearing for the Corporation submitted that the petitioner's representation will be duly considered, after giving notice to both the petitioner and the third respondent and an appropriate order will be passed.

4. Considering the submission made by the learned counsel appearing for the respondents, this Court directs the 1st respondent to consider and dispose of the petitioner's representation dated 20.05.2015 in accordance with law after issuing notice to the petitioner and the 3rd respondent and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsm

To

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Tax Assessment Officer,
Adyar Zone,
Corporation of Chennai,
Chennai.

+1 cc to Mr.S.Kumaresan, Advocate, sr.35698.

W.P.No.20679 of 2015

msm(co)
kra(20/08)