IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.27493/2014 & MP.No.1/2014

Jayaraman .. Petitioner

Versus

1.The Assistant Revenue Officer
Corporation of Chennai
Revenue Department,
Zone-3, 1, Thattangulam Salai
Madhavaram, Chennai 600060.

2.The Commissioner
Corporation of Chennai
Chennai.

3.Arumugam .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records of the 1st respondent impugned order vide Notice No.9/13-14/33906 dated 22.01.2014 and quash the same.

For Petitioner : Mr.D.S.Ramesh

For RR1&2 : Mr.P.V.Selvakumar

For R3 : Mr.S.Veeraraghavan

ORDER

Heard Mr.D.S.Ramesh, learned counsel for the petitioner and Mr.P.V.Selvakumar, learned counsel for the respondents 1 and 2 and Mr.S.Veeraghavan, learned counsel for 3rd respondent and perused the material available on record.

2.The petitioner has filed the present petition seeking to quash the order passed by the 1st respondent by which the property tax has been transferred in favour of the 3rd respondent. The petitioner and 3rd respondent are the sons of one Manavalan. The dispute between the petitioner and the 3rd respondent is on account of the Settlement Deed executed by Tmt.Dhanalakshmi, the mother of the petitioner and the 3rd respondent herein. It appears that initially the said Dhanalakshmi settled the property in favour of the 3rd respondent and the 3rd respondent effected mutation of revenue records and the property tax assessment was in the name of the 3rd respondent. Subsequently, Dhanalakshmi cancelled the Settlement Deed and executed a Settlement Deed in favour of the petitioner herein. Thereafter, the second Settlement Deed was also cancelled. Therefore, the petitioner filed a suit in OS.No.1254/2008 before the District Munsif Court, Tiruvottriyur and the Civil Court, by the Judgment and Decree dated 05.10.2013, dismissed the suit. After the suit was dismissed, the property tax assessment has been effected in the name of the 3rd respondent. Now, the petitioner would state that it should be restored to his name since he had filed an appeal before the Lower Appellate Court in AS.No.52/2013 and the same is now pending before the Sub Court, Ponneri.

3.It is seen that the Lower Appellate Court has not granted any interim order in AS.No.52/2013. Therefore, when the respondent/Corporation was approached by the petitioner, the petitioner was informed that appropriate action would be initiated after the Judgment was delivered in AS.No.52/2013. The information furnished by the respondent/Corporation to the petitioner is perfectly proper and the Corporation should abide by the judgment and decree that will be passed in AS.No.52/2013 or in any interlocutory order that may be passed in AS.No.52/2013. Until then, status quo with regard to the entry in the property tax receipt shall be maintained. It is made clear that merely because this Court has said that status quo with regard to property tax entry should be maintained till the disposal of the appeal in AS.No.52/2013, it does not mean that this Court has considered as to who is in the possession of the property. It is left open to be agitated by the petitioner and the 3rd respondent herein.

4.The writ petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

/ True copy /

Sub Assistant Registrar

AP

To

1. The Assistant Revenue Officer,
   Corporation of Chennai, Revenue Department,
   Zone-3, 1, Thattangulam Salai, Madhavaram,
   Chennai-60

2. The Commissioner,
   Corporation of Chennai,
   Chennai.

+1 cc to Mr.D.S.Ramesh, Counsel for the petitioner SR.7631/2015

+1 cc to Mr.S.Veeraraghavan, Counsel for 3rd respondent SR.7615/2015

WP.No.27493/2014

VGI (CO)
VS 24/02/15