

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.29503 of 2015

S.Rajeswari

... Petitioner

Vs

1. The Commissioner
Corporation of Chennai Rippon Building
Chennai.
2. The Zonal Commissioner
Zone-XII Corporation of Chennai
Alandur Chennai-16

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the Respondent especially the Second Respondent to transfer/mutate the name in Tax/Revenue records in respect of the house property situated at Door No.Old No.5 New No.9 New No.9 T.N.G.O Colony 1st Street 6th Main Road Nanganallur Taluk Chennai-61 in tax Assessment No.12-167-06889-000 in favour of the Petitioner.

For Petitioner : Mr.N.Vanaraj

For Respondents : Mr.T.C.Gopalakrishnan

सत्यमेव जयते
O R D E R

Heard the learned counsel appearing for the petitioner and Mr.T.C.Gopalakrishnan, learned counsel, who took notice for the respondents and with their consent, the main writ petition itself is taken up for disposal.

2.The writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the 2nd Respondent to transfer/mutate the name in Tax/Revenue records in respect of the

house property situated at Door No.Old No.5, New No.9, T.N.G.O Colony, 1st Street, 6th Main Road, Nanganallur Taluk, Chennai-61, in tax Assessment No.12-167-06889-000 in favour of the Petitioner

3. According to the learned counsel for the petitioner, the petitioner is handicapped with 87% disability for "Post Polio residual paralysis of both lower limbs" due to polio attack in both legs during her child hood. Further, according to him the petitioner's father purchased a house property from the Tamil Nadu Officers Co.operative Building Society Limited situated at Door No.9/5, T.N.G.O Colony, 1st Street, 6th Main Road, Nanganallur Taluk, Chennai-61, originally Tambaram Taluk now at Alandur Taluk, Chennai district, comprised in Survey Nos.20/2, to an extent of 2409 sq.ft. and a building was also constructed and since then they are living there. The learned counsel for the petitioner further adds that the above said property was originally fell under the jurisdiction of the then Alandur Municipality and subsequently transferred to the 2nd respondent's Municipal Jurisdiction consequent to the formation of greater Chennai in the year 2011.

4. That apart, according to the learned counsel for the petitioner, after the demise of the petitioner's father, the entire revenue records including property tax, water tax and also Chennai Metropolitan water supply and sewerage board tax have been mutated in the name of her mother in Tax Assessment No.12-167-06889-00 and as per the specific direction of her father, her mother had executed a Will dated 3.7.2009 at Nanganallur, bequeathing the property in question in her favour, registered as Document No.45/3 of 2009 in the office of the Joint Sub Registrar, Chennani North, since her siblings got settled in life during the life time of her father. On 05.09.2014, the petitioner's mother also died. In the said circumstances, when the petitioner approached the 2nd respondent on 16.06.2015, by filing an application to transfer/mutate her name in all the revenue records, the same was not considered. The efforts taken by the petitioner again on 1.7.2015 and also on 3.8/2015 by approaching the 2nd respondent in person gone in vain. Hence, the petitioner is before this Court.

5. Since the request for inclusion of the petitioner's name in the revenue records having not been considered so far, despite the representation made on 16.06.2015, she is before this Court. Since the petitioner's application dated 16.06.2015, is pending consideration before the 2nd respondent, to meet the ends of justice, this Court is of the view that it would suffice if a direction is given to the 2nd respondent to pass orders on the said application within a stipulated time.

6. In view of the same, without going into the merits of the case, the 2nd respondent is directed to consider the application of the petitioner dated 16.06.2015 on the basis of the documentary evidences and pass appropriate orders, on merits and in accordance with law, after affording due opportunity to the petitioner as well as any of the interested parties. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Corporation of Chennai
Rippon Building, Chennai.
2. The Zonal Commissioner
Zone-XII Corporation of Chennai
Alandur Chennai-16

+1cc to Mr.N.Vanaraj, Advocate, S.R.No.51420

+1cc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No.51659

W.P.No.29503 of 2015

KGK(CO)
CA(05/10/2015)

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