

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.12.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33087 of 2015

J.Shafia

...Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

2. The Assistant Revenue Officer,
Zone No.9, Corporation of Chennai,
No.1, Lake View 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the rejection of the petitioner's claim to transfer the petitioner's name in the Assessment Order by issuing impugned order MA.A.9.Va.Thu.Na.Ka.No.AR2/1940/2015 dated 04.06.2015 on the file of 2nd respondent herein and to quash the same.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.P.V.Selvakumar

O R D E R

Heard Mr.M.Chidambaram, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned counsel appearing for the respondents.

2. The petitioner has filed this Writ Petition challenging the order dated 04.06.2015 passed by the 2nd respondent by which the request made by the petitioner to assess the property tax in his name in respect of super structure has been negated.

3. On the perusal of the impugned proceedings it is seen that there is slight contradiction in the stand taken by the 2nd respondent in Paragraph Nos. 2 and 3. In Paragraph No.2, it states that there is no provision for assessing the super structure and challenging the assessment in the name of the petitioner. However, in the 3rd Paragraph, the authority has stated that if the petitioner appears before him with appropriate documents, he would be in a position to consider the case for assessment of the super structure alone in the petitioner's name.

4. As pointed out by the learned counsel for the petitioner, the property was assessed in the name of the petitioner's mother and one property tax receipt for the period two half year 2014-2015 dated 02.03.2015 has been produced before this Court, which shows that property has been assessed in the name of Khurseedammal.

5. The Learned counsel appearing for the respondent submitted that if the petitioner appears before the 2nd respondent with all records, they will consider the case of the petitioner.

6. Accordingly, Writ Petition is allowed and the impugned order is set aside and the matter is remanded to the 2nd respondent for fresh consideration to take into consideration all the documents filed by the petitioner and pass fresh orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of order. No costs.

ssd

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

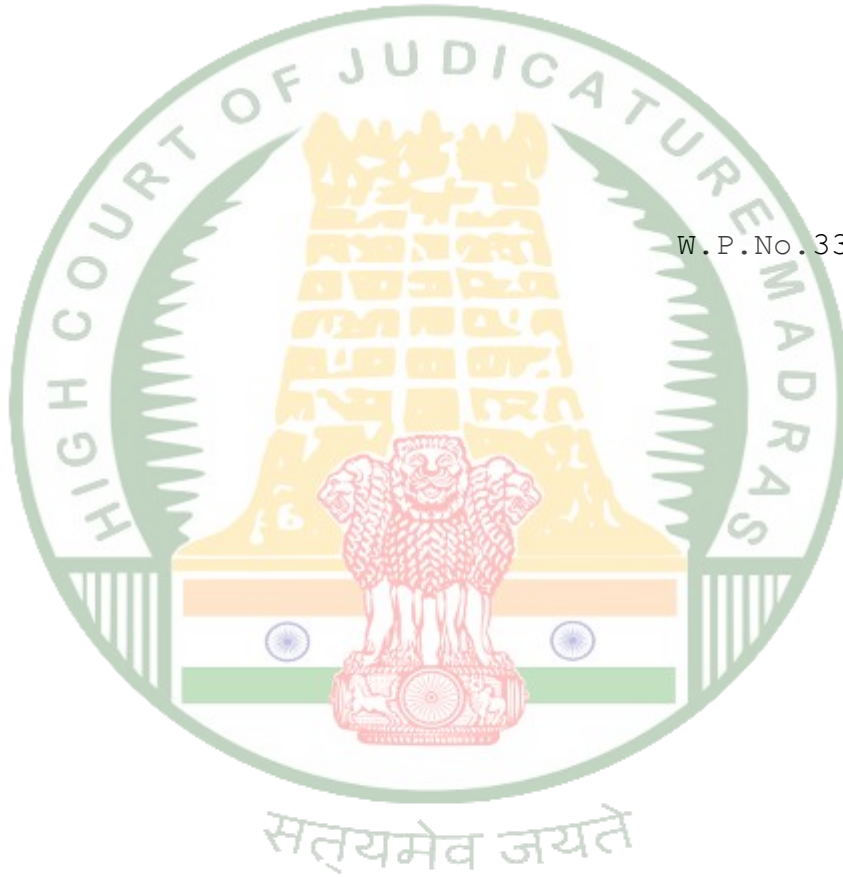
To

1. The Commissioner,
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Chennai - 600 003.

2. The Assistant Revenue Officer,
Zone No.9, Corporation of Chennai,
No.1, Lake View 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

+ 1 cc to Mr.M.Chidambaram, Advocate Sr 65326.

SAI/CO
KR/16/12



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