

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7481 of 2010 &
W.M.P.No.1 of 2010

K.P.Haja Mohaideen

.. Petitioner

vs.

1.The Commissioner
Corporation of Chennai
Revenue Department
Rippon Building
Chennai 600 003.

2.The Assistant Revenue Officer (ASO)
Revenue Department, 1 Zone-VII
Corporation of Chennai
4th Cross Street,
Nungambakkam, Chennai 600 034.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari mandamus, to call for the entire records pertaining to the impugned proceedings, Ch.Ma.Aa.Va.Tu/ Special/200-0 dated 01.03.2010, passed by the second respondent with regard to the recovery of property situate at No.119, Greaves Road, Chennai and quash the same and for directing the second respondent to accept the petitioner's payment of property tax paid as fixed by the first respondent by his order bearing No.Z-CB.74/98-99 dated 8.4.1999.

For Petitioner : Mr.P.Thiagarajan

For Respondents : Mr.R.Arunmozhi
Standing Counsel

O R D E R

Heard Mr.P.Thiagarajan, learned counsel appearing for the petitioners and Mr.R.Arunmozhi, learned Standing Counsel, appearing for the respondents.

2.In this Writ Petition, the petitioner challenges the notice issued by the second respondent dated 01.03.2010, which is a distraint notice, calling upon the petitioner to pay arrears of property tax to the tune of Rs.2,48, 417/-.

3.Though the notice mentions the said amount, no details have been furnished in the said notice. That is enough to set aside the notice. That apart, the petitioner's objection has not been considered. The property tax was demanded at Rs.3,582/- per half year, by proceedings dated 08.04.1999.Subsequently, within a short period of eight months i.e. from 31.12.1999, it was increased to Rs.12,527/- per half years, without any intimation or notice to the petitioner.Therefore, the petitioner preferred an Appeal and requested the Appellate authority to take action on his appeal. However, the second respondent by the impugned order dated 01.03.2010, demanded arrears of property tax at the enhanced rate. Hence, the petitioner has come forward with this Writ Petition.

4.The learned counsel for the respondents on instructions submitted that if the petitioner submitted a representation to the authorities, the same would be considered in accordance with law.

5.In the light of the above, there will be a direction to the petitioner to submit a representation to the second respondent along with the copy of this order, clearly setting out his grievances and the second respondent shall consider the same and pass appropriate orders, on merits and in accordance with law. Till orders are passed, the petitioner shall continue to pay the property tax at Rs.3,582/- per half year, without any default.

The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

To

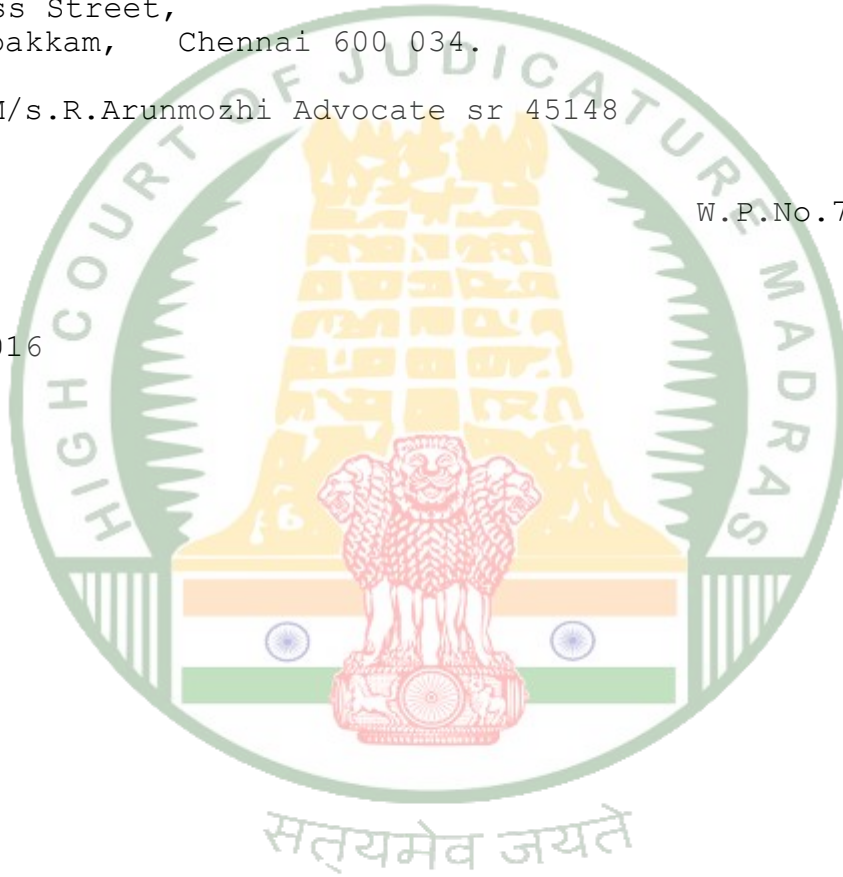
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+1 cc to M/s.R.Arunmozhi Advocate sr 45148

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