

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3608 of 2014
and M.P.No.1 of 2014

K.Baskaran

... Petitioner

vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
EVR Periyar Salai,
Chennai - 03.

2.Revenue Officer,
Corporation of Chennai,
Rippon Building, EVR Periyar Salai,
Chennai - 03.

3.The Assistant Revenue Officer,
Revenue Department,
Corporation of Chennai,
Zone-V (Previously II)
No.47, Basin Bridge Road,
Moolakothalam, Chennai - 600 001

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents to pass order on petitioner objections dated 26.03.2008 and 25.04.2008 to the temporary notice dated 25.03.2008, Notice No.6, bearing Hq.No.A/35/2007-08 in respect of the property bearing No.4C 1&2, Stringers Street, George Town, Chennai - 600 001, situated in Zone No.II (New No.V), Division No.30 (New No.57) Bill No.1908 (New No.06170) Sub.No.000006 (New No.iii)

For Petitioner : Mr.P.Premkumar

For Respondents : Mr.T.C.Gopalakrishnan

ORDER

Heard Mr.P.Premkumar, learned counsel appearing for the petitioner and Mr.T.C.Gopalakrishnan, learned counsel appearing for the respondents. By consent, the writ petition is taken up for final disposal.

2.The petitioner has purchased the property bearing Door Nos.13 & 15 (old) No.4C/1 & 2, Stringer Street, George Town, Chennai, which was originally owned by H.Mohamed Farook and M.Fareed Hussain under two sale deeds. Even though there was only one water connection in the said building, the CMWSSB insisted for charges for both the building. Therefore to avoid excess payment, the petitioner requested the respondents to treat the above premises as single unit and single assessment may be made. The first respondent had accepted the petitioner's request and a new assessment order dated 25.03.2008 has been passed. But the amount of tax has been increased from Rs.34,268/- to Rs.77,596/-. Therefore, the petitioner had made written objections dated 26.03.2008 and 25.04.2008 before the respondents 1 and 2. On that basis, enquiry has been conducted on 03.03.2009 by the Officer of the Corporation of Chennai, wherein the petitioner has made objection in respect of the measurement also. Hence, the Zonal Officer was directed to measure the property. The Zonal Officer measured the property and found the objections made by the petitioner is valid. In the meantime, the respondents demanded the petitioner to pay the property tax. On 25.11.2013, the third respondent issued a final warrant directing the petitioner to pay the property tax. Thereafter the petitioner sent a representation to the first respondent and he has also sent a reminder on 20.12.2013. Till date, the same has not been considered. Hence, the petitioner is before this Court.

3.All that the petitioner seeks for is to direct the first respondent, Commissioner, Corporation of Chennai to pass orders on that objection.

4.Record of the proceedings shows that the objection is pending before the first respondent since 2013 and reminder has also been given on 20.12.2013. However, it appears that the records have not been readily traceable in the office of the first respondent. Therefore, the following order is passed to meet the ends of justice, the petitioner is directed to give a fresh representation along with the copies of the earlier representation within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall pass a speaking order on merits within a period of eight weeks thereafter. Till orders are passed, interim order granted in the writ petition shall continue.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cse

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, EVR Periyar Salai,
Chennai - 03.
- 2.Revenue Officer,
Corporation of Chennai,
Rippon Building, EVR Periyar Salai,
Chennai - 03.
- 3.The Assistant Revenue Officer,
Revenue Department,
Corporation of Chennai,
Zone-V (Previously II)
No.47, Basin Bridge Road,
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+ 1cc to Mr.P. Premkumar, advocate SR.62432

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GJII(CO)
EU 28.11.16

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