

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16749 of 2014

V.M.Nazeer Ahamed

.. Petitioner

Versus

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

2. The Assistant Revenue Officer,
Corporation of Chennai,
Zone - 13, Lattice Bridge Road,
Adyar, Chennai - 600 020.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents herein to consider the petitioner's representation dated 28.04.2014 submitted to the respondents requesting for assessment of the property Tax in the name of the petitioner in respect of Petitioner's property (Plot No.34, Massodhithottam) New Door No.13, Old No.10, East Jones Road, Mosque Garden, Saidapet, Chennai - 15 and to pass orders on the said representation in accordance with law.

For Petitioner : Mr.T.Velumani

For Respondents : Mr.P.V.Selva Kumar

O R D E R

The petitioner has filed this writ petition praying for issuance of writ of mandamus directing the respondent Corporation to consider his representation dated 28.04.2014 and to assess the property in his name.

2. This Court, by order dated 25.03.2015, ordered notice of motion to the respondents returnable by 15.04.2015. Thereafter, the matter was not listed and when the matter came up for hearing on 11.02.2016 request for adjournment was made by the petitioner and accordingly, the case was adjourned by two weeks. Today, when the matter is taken up, there was no counter

affidavit filed by the respondents.

3. From the facts set out in the writ petition, there was a dispute between the petitioner and his tenant and the tenant appears to have demolished the property which was leased out to him and ultimately in Contempt Petition No.2007 of 2011 dated 11.04.2012, compensation was awarded to the petitioner payable by his tenant for demolishing the superstructure. Thereafter, also it appears that the tenant refused to handover possession of the land and the petitioner would state that with the help of the Advocate Commissioner, who was appointed by this Court, possession was taken over. Thereafter, the petitioner is said to have put up construction in the property and now seeks for the property to be assessed for property tax in his name. The respondents have kept silent in this matter inspite of the representation. Therefore, the petitioner is before this Court.

4. In the light of the above facts, there will be a direction to the 2nd respondent to consider the petitioner's representation dated 28.04.2014 on merits, verify the entire facts and if there is no other legal impediment proceed to assess the property in the name of the petitioner. The above direction shall be complied with, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

2. The Assistant Revenue Officer,
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