

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.35509 of 2015
and
M.P.Nos.1 and 2 of 2015

R.Balaraman

Vs

..Petitioner

1. Corporation of Chennai,
Represented by its Commissioner,
Ripon Buildings, Park Town,
Chennai-600 003.
 2. The Assistant Revenue Officer,
Corporation of Chennai,
Zone VIII, Ward No.100,
Shenoy Nagar, Chennai-600 030.
- .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents in his Final Warrant Notice dated 22.08.2015 relating to the demand of the Property Tax in a sum of Rs.1,16,280/- with for the year 7/15-16/4588 in respect of petitioner's property bearing No.39/48, Dr.Radhakrishnan Nagar, Arumbakkam, Chennai-600 106 and to quash the same and forbear the respondents from taking any coercive steps for recovery of the same like distraint warrant, attachment etc., in pursuance to the above impugned demand of the respondents.

For Petitioner : Mr.T.V.Vineeth Kumar
For Respondent : Mr.T.C.Gopalakrishnan
(Corporation)

O R D E R

The Petitioner has come forward with this Writ Petition challenging the Final Warrant Notice dated 22.08.2015 relating to the demand of the Property Tax in respect of petitioner's property bearing No.39/48, Dr.Radhakrishnan Nagar, Arumbakkam, Chennai-600 106 and to forbear the respondents from taking any coercive steps for recovery of the same like distraint warrant,

attachment etc., in pursuance to the above impugned demand of the respondents.

2. Heard the learned counsel for the petitioner and Mr.T.C.,Gopalakrishnan, learned Standing Counsel who took notice for the respondent Corporation.

3. The petitioner is the absolute owner of the property bearing Old Door No.48, New Door No.39, Dr. Radhakrishnan Nagar, Arumbakkam, Chennai 600 106. He received a notice dated 22.8.2015 directing him to pay Rs.1,16,280/- being the property tax arrears in respect of the aforesaid property. Subsequently, the 2nd respondent sent a final warrant notice on 24.8.2015 demanding the said amount towards property tax arrears. Against the levy of property tax, the petitioner already moved an appeal before the 1st respondent on 28.09.2015 and the same is pending. During the pendency of the said appeal, recovery proceedings sought to be initiated by the respondents, against which, the petitioner is before this Court.

4. Upon notice, learned Standing Counsel appearing for the respondent Corporation fairly submitted that the Appellate Authority would dispose of the appeal within a time frame as directed by this Court.

5. In view of the submissions of the learned Standing Counsel for respondents, the 1st respondent is directed to dispose the appeal filed by the petitioner on 28.09.2015 within a period of six weeks from the date of receipt of a copy of this order on merits and in accordance with law, after affording due opportunity to the petitioner. Pending disposal of the appeal, there shall not be any recovery against the petitioner by the respondents.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

msr

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

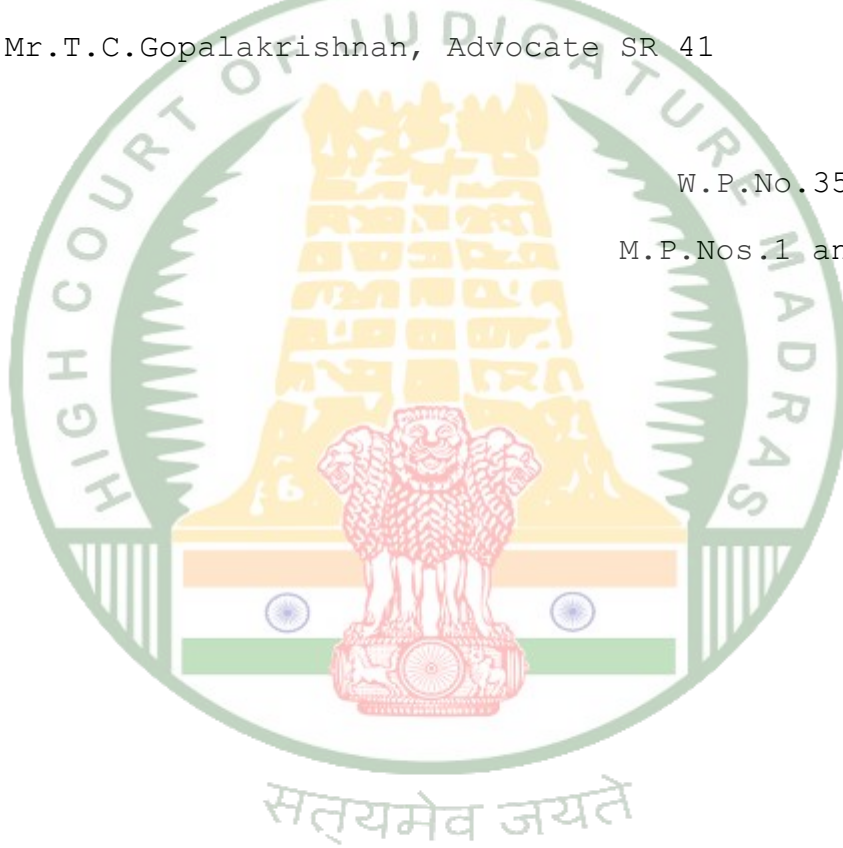
1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Park Town,
Chennai-600 003.
2. The Assistant Revenue Officer,
Corporation of Chennai,
Zone VIII, Ward No.100,
Shenoy Nagar, Chennai-600 030.

+ 1 cc to Mr.T.V.Vineeth Kumar, Advocate SR 302

+ 1 cc to Mr.T.C.Gopalakrishnan, Advocate SR 41

skv(co)
prk19/1

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