

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.36697 and 36698 of 2015  
and M.P.Nos.1, 1, 2 and 2 of 2015

V.Vasanthakumar

... Petitioner in  
W.P.No.36697 of 2015

V.Suchitra

Represented by her  
Power of Attorney  
Mrs.V.Vasanthakumari

... Petitioner in  
W.P.No.36698 of 2015

vs.

1.The Commissioner,  
Corporation of Chnnai,  
Chennai.

2.The Assistant Revenue Officer,  
Zone - 7,  
Corporation of Chennai,  
Nungambakkam,  
Chennai - 600 034.

... Respondents  
in both W.Ps.

Prayer in W.P.No.36697 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents herein to implement the award of the Lok Adalat in M.T.A.No.117:04 organized by High Court Legal Services Committee/Chennai District Legal Services Authority, by making necessary changes in the record connected with the property in Bill No.299/7 situate at B-8 & C-8, Parsn Commercial Complex, Kodambakkam High road, Chennai - 600 006, with effect from the date of the award namely 22.06.2006 and consequently continue to assess the petitioner on an half yearly tax of Rs.2,350/- per half year commencing from I/93-94 in par with other similarly situated shops and in tune with the award of the Lok Adalat.

Prayer in W.P.No.36698 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents herein to implement the award of the Lok Adalat in M.T.A.No.44:05 organized by High Court Legal Services Committee/Chennai District Legal Services Authority, by making

necessary changes in the record connected with the property in Bill No.299/8 situate at B-9 & C-9, Parsn Commercial Complex, Kodambakkam High road, Chennai - 600 006, with effect from the date of the award namely 22.06.2006 and consequently continue to assess the petitioner on an half yearly tax of Rs.2,350/- per half year commencing from I/93-94 in par with other similarly situated shops and in tune with the award of the Lok Adalat.

For Petitioner  
in both W.Ps. : Mr.K.M.Vijayan  
Senior Counsel  
for M/s.K.M.Vijayan Associates

For Respondents  
in both W.Ps. : Mr.T.C.Gopalakrishnan

COMMON ORDER

Heard Mr.K.M.Vijayan, learned senior counsel appearing for the petitioners and T.C.Gopalakrishnan, learned counsel appearing for the respondents and with their consent, the writ petitions are taken up for disposal.

2.The petitioners have come forward with these writ petitions to implement the award of the Lok Adalat passed in M.T.A. and to make necessary changes in the property tax records of the petitioners buildings and assess the same to half yearly tax at Rs.2,350/- per half year. The appeals which were referred for Lok Adalat pertain to the revision of property tax for the period of I/1993-94 upto the date of award, namely, 2006. After hearing the parties, consensus were arrived at before the Lok Adalat which was recorded on 22.06.2006, wherein the parties agreed for the half yearly tax will be fixed at Rs.2,350/-. From the receipts filed in the typed set of papers, it is seen that the petitioners have paid the property tax as per the award passed by the Lok Adalat and received by the Corporation of Chennai. While so, it appears that the first respondent has informed the petitioner that the property tax has been revised as Rs.6,342/- and all the assessments have been computerized and this revision is with retrospective effect from 1998-99 onwards. The stand taken by the first respondent, that too, based on oral information is unsustainable. That apart, when the award of the Lok Adalat covered the period from I/1993-94 to 2006, the question of demanding higher amount of tax for the period covered by the award does not arise. The first respondent has not stated that the award was obtained by fraud or coercion. Therefore, the award passed by the Lok Adalat having become final is binding upon the respondent Corporation.

3.In the light of the above facts, there will be a direction to the first respondent to consider the petitioners' representation dated 27.03.2010 taking note of the award passed by the Lok Adalat and accordingly fix the property tax for the period covered by the

award. The above direction should be implemented within a period of eight weeks from the date of receipt of a copy of this order.

4.With the above direction, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Asst.Registrar (CS VI )

/true copy/

Sub Asst. Registrar

To

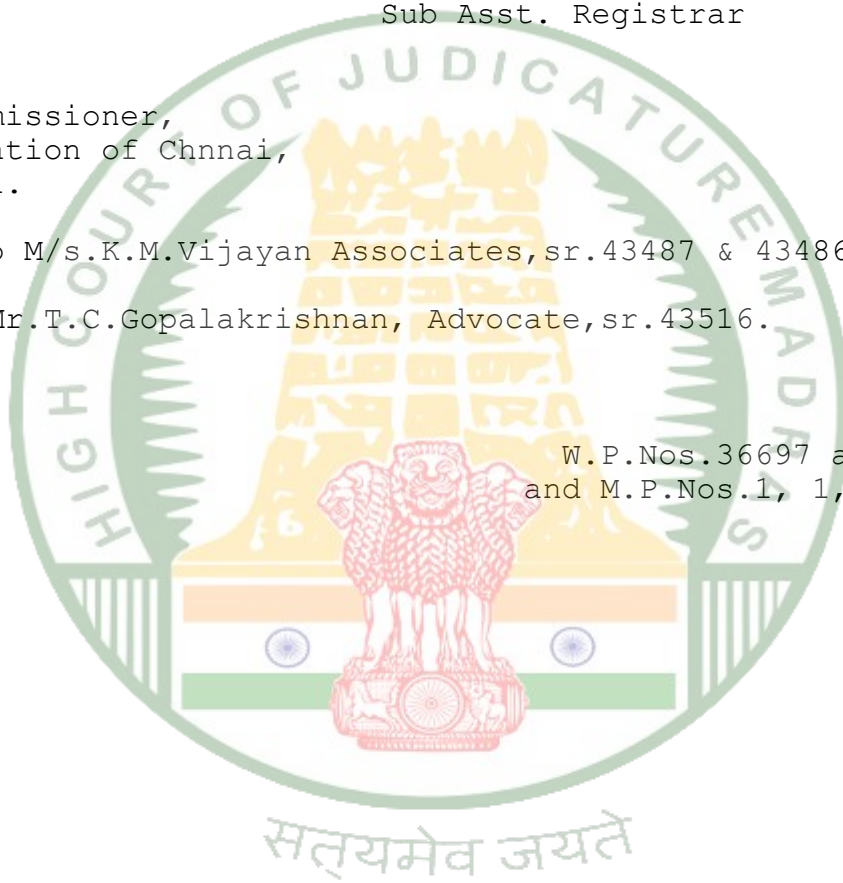
1.The Commissioner,  
Corporation of Chnnai,  
Chennai.

+2 cc's to M/s.K.M.Vijayan Associates,sr.43487 & 43486

+1 cc to Mr.T.C.Gopalakrishnan, Advocate,sr.43516.

ctr(co)  
krd 3/8

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