

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.22677 of 2016

1.Vijay B Daswani

2.Gita B Daswani

3.Chandrakant B Daswani

... Petitioners

Vs.

1. The Commissioner,
Corporation of Chennai,
Chennai.

2. The Assistant Revenue Officer,
Zone - V,
Corporation of Chennai,
Chennai.

... Respondents

(R2 suo motu impleaded as per
order dated 01/7/2016 in
WP.22677/16)

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to change the name in the property tax assessment in respect of the property at No.162, Mount Road (Anna Salai), Chennai - 600 002 from Bhagwandas F Daswani to 1.Vijay B Daswani, 2. Gita B. Daswani and 3. Chandrakant B Daswani, the petitioners herein as they are the only legal heirs of the erstwhile owner.

For Petitioner : Mrs.N.Kavitha Rameshwar

For Respondents : Mr.P.V.Selvakumar

O R D E R

The petitioners are the legal heirs of Bhagwandas F Daswani who owned property bearing No.162, Mount Road (Anna Salai), Chennai - 600 002. The said Bhagwandas F Daswani expired on 07.01.2014 and therefore, the petitioners who are the legal heirs, have sought for changing the name in the property tax assessment in respect of the above said property in their

names. The said request was made through representation of the petitioners dated 04.04.2016. Since the representation of the petitioner has not been considered by the respondent and the name change has not been effected so far, they have approached this Court by way of this writ petition.

2. Heard Mrs.N.Kavitha Rameshwar, learned counsel appearing for the petitioners and Mr.P.V.Selvakumar, learned counsel takes notice on behalf of the respondents.

3. The writ petition is filed only against the first respondent, viz. The Commissioner, Corporation of Chennai, Chennai and the necessary party would be Assistant Revenue Officer. Hence, this Court, suo moto impleads "The Assistant Revenue Officer, Zone - V, Corporation of Chennai, Chennai" as the second respondent.

4. A perusal of the records would show that the property tax in respect of the aforesaid property stood in the name of Bhagwandas F Daswani, as evident from the copy of the property receipt dated 18.03.2016 issued by Chennai Corporation for Rs.1,95,695/- towards half-yearly property tax for the year 2015 -2016. Since their father died on 07.01.2014, as evident from the death certificate dated 21.03.2016, leaving behind the petitioners as legal heirs, as proved by the legal heirship certificate dated 27.03.2014, they applied for changing the name in the property tax assessment in respect of their property.

5. The above facts would prove that the petitioners are the legal heirs of the said Bhagwandas F Daswani and therefore, as legal heirs, they are entitled to get the assessment of tax changed in their name, in respect of their property. Hence, the petitioners are directed to produce copies of the original documents to prove that their parents are the owners of the property and based on the same, the second respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of three (3) weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

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7. Post the matter on 22.07.2016 for compliance / for production of the order to be passed by the second respondent.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rgr
To

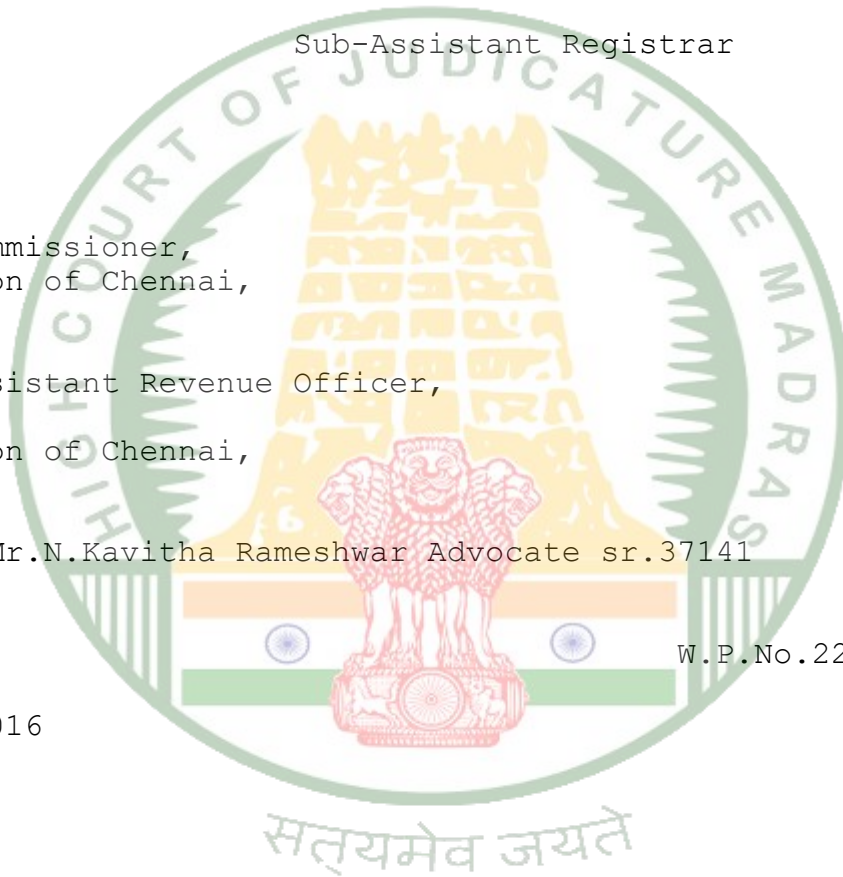
1. The Commissioner,
Corporation of Chennai,
Chennai.

2. The Assistant Revenue Officer,
Zone - V,
Corporation of Chennai,
Chennai.

+1 cc to Mr.N.Kavitha Rameshwar Advocate sr.37141

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