IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24235 of 2012

M/s.Barjangbali Iron and Steel Company Ltd.,
Represented by its Director,
Mrs.Subhash Agarwal,
100-A, Basin Road,
Thiruvottiyur, Chennai - 600 019. ... Petitioner

Vs.

1. Revenue Officer,
   Corporation of Madras,
   Chennai - 600 003.

2. Assistant Revenue Officer,
   Zone I Chennai Corporation,
   Thiruvottiyur,
   Chennai - 600 019. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the second respondent in his order directing payment of Municipal taxes as per the demand notice dated 14.05.2012 and quash the same and to direct the second respondent to levy Municipality tax as per Section 82(2)(ii)(aa) of the Tamil Nadu Municipality Act, 1920, by taking annual value of building at 4% of capital value and then levy Municipality tax after giving notice and personal hearing to the petitioner.

For Petitioner : Mr.C.Baktha Siromoni

For Respondents : Mr.R.Arunmozhi

O R D E R

Heard Mr.C.Baktha Siromoni, learned Counsel appearing for the petitioner and Mr.R.Arunmozhi, learned counsel appearing for the respondents.

2.In this writ petition, the petitioner has challenged a demand notice issued by the second respondent demanding arrears of property tax from II/2000-2001 to I/2012-13. The petitioner's case is that the property could not be put to use though it is an industrial area since the road width is less than 25 feet and lorries cannot go into the petitioner's property and slum dwellers have encroached the road. Further it is submitted that there are no basic amenities in the area and the Thiruvottiyur Municipality under whose control the property was situated did not take any action to improve the facilities. However, all of a sudden, the property tax was increased from Rs.16,150/- to Rs.40,375/- and subsequently to Rs.80,750/-. It is seen that after the area vested with the Corporation of Chennai, no assessment proceedings were done in respect of the petitioner's property. It is not known as to how the property tax was increased to Rs.16,150/- to Rs.40,375/- and thereafter Rs.80,750/-. That apart, the petitioner states that there are no proper road facilities to the property. Therefore, the issue would be whether such abnormal increase in property tax could be made. Though counter affidavit has been filed by the first respondent, no records have been placed before this Court to show that before issuing impugned demand, proper assessment proceedings were made. Thus, in the absence of records to show that proper assessment was made, the demand for arrears of property tax at varied rates cannot be sustained.

3.In the light of the above, the writ petition is allowed and the impugned order is quashed and the petitioner is directed to clear the entire arrears of property tax at the rate of Rs.16,150/- per half year to till date. If the petitioner complies with the same, then the second respondent shall inspect the petitioner's property, examine the facilities which are available especially the width of the road, etc., and if there are any encroachments in the road, the same to be cleared and thereafter issue pre-assessment notice to which the petitioner shall submit objections and after considering the objections, re-do the assessment in accordance with law. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Revenue Officer,
   Corporation of Madras,
   Chennai - 600 003.

2. The Assistant Revenue Officer,
   Zone I Chennai Corporation,
   Thiruvottiyur,
   Chennai - 600 019.

+ 1 cc to Mr.C.Bakthasironmoni, Advocate SR NO 47283[2/11]

W.P.No.24235 of 2012

BVR(CO)
CA(07/09/2016)