

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.Nos.30574 to 30576 of 2016

and W.M.P.Nos.26514 to 26516 of 2016

S.M. Anandavel

..Petitioner
in all W.Ps

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
1131, EVR Periyar Salai,
Park Tow, Chennai-600003.
2. The Asst. Revenue Officer,
Corporation of Chennai,
Chennai Zone 7,
P.H.Road, Chennai-600010.
3. Chennai Metropolitan Water Supply and Sewerage Board,
Represented by its Managing Director,
No.1 Pumping Station Road, Chinthadripet,
Chennai-600 002.
4. Area Engineer VIII,
Chennai Metropolitan Water Supply and Sewerage Board,
227, II Avenue, Near 12th Main Road,
Anna Nagar, Chennai-600 040. .. Respondents
in all W.Ps

W.P.No.30574 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus or any other appropriate writ or Order directing the 1st Respondent to provide full and proper details in regard to the accounts of the petitioner, Sewerage Connection at C.43, II Avenue Anna Nagar West, Chennai-600040.

W.P.No.30575 of 2016: Writ petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari or any other appropriate writ or Order calling for the records

relating to the assessment orders of the 1st respondent dated 26.08.2009 in G.R.S.No.C064/00073 relating to the petitioner, and quash it to the extent of its retrospective operation i.e. From 2001-02/2 to 2009.

W.P.No.30576 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus or any other appropriate writ or Order directing the 1st Respondent to provide full and proper details in regard to the accounts of the petitioner in Proerty ID 08-099-02265-000 and the basis of the assessment for the period 1/93-94 onwards.

For Petitioner
in all W.Ps. : Mr. Niranjan Rajagopalan
For Respondents
in all W.Ps : Mr.T.C.Gopalakrishnan (For R-1 & R-2)
Mr.M.Jothi Kumar (For R-3 & R-4)

COMMON ORDER

Heard Mr.Niranjan Rajagopalan for M/s. G.R.Associates, learned Counsel for the petitioner. Mr.T.C.Gopalakrishnan, learned Counsel accepts notice on behalf of the respondents 1 and 2 and Mr.M.Jothi Kumar, learned Counsel accepts notice on behalf of the respondents 3 and 4. With the consent of either side, the writ petitions are taken up for final disposal.

2.The petitioner appears to have had long drawn legal battle with the respondent Corporation in respect of assessment of property tax of the subject building. When a warrant notice was issued on 07.03.2001, the petitioner approached the City Civil Court and filed a suit in O.S.No.5192 of 2001 which was decreed in favour of the petitioner by judgment and decree dated 21.04.2004. By virtue of the said decree, warrant notice dated 07.03.2001 was held to be void, illegal, without jurisdiction and unenforceable and the respondent Corporation was restrained by a decree of permanent injunction from taking further proceedings pursuant to the notice dated 07.03.2001. The petitioner also filed another suit against CMWSSB for the same relief in O.S.No.2321 of 2008 which was also decreed in his favour on 23.01.2009. The respondent Corporation appears to have not preferred any appeal against the decree dated 21.04.2004 and the same has become final.

4. In the meantime whatever payment the petitioner has effected is said to have been adjusted with the past arrears during which the respondents were not entitled to collect the property tax at the said rate. Thus the petitioner would state that he has not been informed as to how the assessment has been made at different rates at different points of time and how the adjustments have been affected as against the payments made by the petitioner. The petitioner would submit that from the computerized statement generated from the official website of the Corporation of Chennai dated 06.06.2016, it appears that the property tax has been revised twice. Initially, it was fixed as Rs.20,527/- per half year for the period from I/93-94 and remained the same till I/1998-99, thereafter from the II/1998-99 it has been revised as Rs.41,053/- per half year and the subsequent revision was for the period II/2001-02 at Rs.51,265/- per half year. The petitioner through his counsel sent a representation on 06.05.2016 pointing out that it is not known as to how the increased amount has been said to be collected and in the meantime, the respondents has collected Rs.7.5 lakhs from the petitioner during the year 2010. Thus the petitioner seeks for full details.

5. The learned counsel for the respondent Corporation, on instructions, submitted that the respondents are ready and willing to furnish full details to the petitioner. However, as it is not clear as to what are the details the petitioner would require, it would be advisable if the respondent Corporation affords an opportunity of personal hearing to the petitioner in which the petitioner should clearly disclose as to what are the documents and details required by him.

6. Accordingly the writ petitions in W.P.Nos.30574 and 30576 of 2016 stand disposed by directing the second respondent, the Assistant Revenue Officer, Corporation of Chennai, Zone-VII to afford an opportunity of personal hearing to the petitioner or his authorised representative within a period of two weeks from the date of receipt of the copy of this order and during the course of personal hearing, the petitioner shall clearly indicate as to what are the details required by him and the said details in the form of statement with orders be furnished to the petitioner within a period of two weeks thereafter. On receipt of the details and documents, it is open to the petitioner to work out his remedy in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

7. In the light of the above direction, W.P.No.30575 of 2016 stand disposed of, leaving it open to the petitioner to question the general revision done vide proceedings dated 26.08.2009 after he obtains the full details in terms of the above

direction issued in the other two writ petitions. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Commissioner,
Corporation of Chennai,
Rippon Building, 1131, EVR Periyar Salai,
Park Tow, Chennai-600003.
 2. The Asst. Revenue Officer,
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 4. Area Engineer VIII,
Chennai Metropolitan Water Supply and Sewerage Board,
227, II Avenue, Near 12th Main Road,
Anna Nagar, Chennai-600 040.
- +3 CC to M/s. G.R. Associates Advocates Sr.Nos.50015,50014,50013
+1 CC to M/s. T.C. Gopalakrishnan, Advocate Sr.No.49635

W.P.Nos.30574 to 30576 of 2016

RP (CO)
MD : 21/06/2016

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