

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.2921 and 2922 of 2010 &
M.P.Nos.1 and 1 of 2010

Jayapradha ... Petitioner in
both Writ Petitions

Versus

1.The Assistant Revenue Officer,
Zone No.VI,
Corporation of Chennai,
ICE House, No.2, Dr.Natesan Road,
Chennai-600 002.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

... Respondents in
both Writ Petitions

Prayer in both Writ Petitions: These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents herein not to levy, impose, demand, assess and collection of property tax including not to bring the property situate at Door Nos.37 and 38, General Patters Road, Chennai-600 002, for distraint sale pursuant to the Demand Notice, dated 24.02.2009 other than in accordance with the provisions contained in Chennai Municipal Corporation Act, 1919.

For Petitioner in
both Writ Petitions : Mr.T.T.Ravichandran

For Respondents in
both Writ Petitions : Mr.K.Soundararajan

C O M M O N O R D E R

Heard Mr.T.T.Ravichandran, learned counsel appearing for the petitioner in both Writ Petitions and Mr.K.Soundararajan, learned counsel for the respondents in both Writ Petitions.

2. The petitioner has filed these Writ Petitions, challenging the distraint notices, claiming arrears of property tax.

3. From the written instructions given by the Assistant Commissioner, Zone-6, Corporation of Chennai, it is seen that the distraint warrant was issued during 2008 and the petitioner's belongings in the premises were taken into custody for arrears of property tax, subsequently, the same was returned, after the petitioner remitted the arrears. In the written instructions, it is claimed that there are still arrears of property tax amounting to Rs.5,63,643/-.

4. It is an admitted fact that during the pendency of the Writ Petitions several other litigations have been initiated by the petitioner as well as her brother and there is also an order passed by the Corporation of Chennai, stating that the building is not in a safe condition and is required to be demolished. This order was also subject matter of challenge by the tenants and action has been directed to be taken for re-inspecting the building and proceed in accordance with law.

5. In the light of the above, the Writ Petitions are closed, making it clear that if there are arrears of tax to be by the petitioner, it is open to the respondents to initiate fresh action in accordance with law and the petitioner cannot take the plea of limitation, when such proceedings are initiated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The Assistant Revenue Officer,
Zone No.VI,
Corporation of Chennai,
ICE House, No.2, Dr.Natesan Road,
Chennai-600 002.

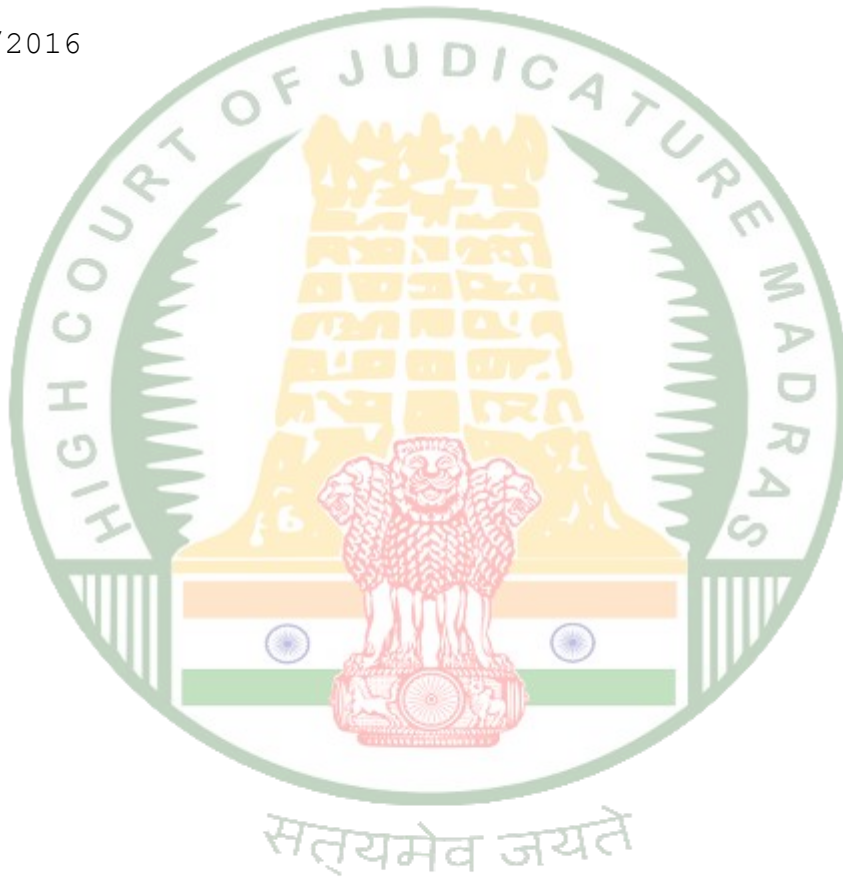
WEB COPY

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

+1cc to Mr.K.Soundararajan, Advocate Sr.44756

W.P.Nos.2921 and 2922 of 2010 &
M.P.Nos.1 and 1 of 2010

pvs[co]
srg 31/08/2016



WEB COPY