

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.41308 of 2016 and
W.M.P.Nos.35262 and 35263 of 2016

1. C.Ashok Chand
 2. A.Rekha
 3. C.Anilkumar
 4. A.Kavitha
- ... Petitioners

Vs.

1. Assistant Commissioner, (CT)
Commercial Tax Officers,
Pattavakkam Assessment Circle,
No.127, 2nd Floor, Yadhaval Street,
Padi, Chennai - 600 050
 2. Assistant Commissioner (CT)
Commercial Tax Officers,
Ambattur Assessment Circle,
No.127, 1st Floor, Yadhaval Street,
Padi, Chennai - 600 050
 3. The Executive Engineer,
Public Works Department,
Building and Maintenance Wing,
Collectorate Office, Thiruvallur
 4. The Executive Engineer,
Public Works Department,
Building and Maintenance Wing,
Kamarajar Salai,
Chennai - 600 005
- ... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, direct the 3rd and 4th respondents to dispose of the representation given by the 1st and 2nd respondents vide Na.Ka.No.1332/2016/A3 dated 16/03/2016 and Na.Ka.No.119/2016/A3 dated 16.03.2016 within time framed and direct the 1st and 2nd respondent to deposit the arrears of rent pending as on this date a sum of Rs.8,94,320/- and Rs.12,52,543/- pending disposal of this Writ Petition.

For Petitioner :Mr.A.Murali

For Respondents:Mr.S.Kanmalai Annamalai for R1 and R2
Additional Government Pleader (TAX)
Mr.P.Chinnadurai
Government Advocate for R3 and R4

O R D E R

By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The case of the petitioners is that the petitioners are the absolute owner of the property bearing Door No.127, Yadhaval Street, Padi, Chennai - 600 050. The petitioners have decided to lease out the said property/premises to the 1st and 2nd respondent for a sum of Rs.1,62,000/- per month from each respondent, towards rent and the said proposal was also accepted by the said respondents. However, the 1st and 2nd respondents have informed the petitioners that they have to get the fixation of the rent from the Public Works Department, who is the 3rd respondent and only after fixation of rent by the said authority, the 1st and 2nd respondents have accepted to pay the rent. Accordingly the 1st and 2nd respondents forwarded a letter dated 16.03.2016 requesting to 3rd respondent to fix the rent. It comes to be known that the 3rd respondent had forwarded the entire papers to the 4th respondent stating the said property comes under the jurisdiction of greater chennai. However, till date either the 3rd and 4th respondents have fixed the rent or the 1st and 2nd respondents have paid the agreed rent. Aggrieved against the same, the petitioners have come forward with this Writ Petition.

3. The learned counsel for the petitioners would submit that the petitioners have spent about Rs.4,41,843/- towards the interior works and partition work and only after completion of the said work, the 1st and 2nd respondents have occupied the said premises. Even though the respondents 1 and 2 are occupying the premises, they have not paid the agreed rent. Hence the petitioners seek for a suitable direction before this Court.

4. The learned counsel for the respondents has got no serious objection for directing the respondents to consider the request of the petitioners and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioners, directs the respondents 1 and 2 to deposit the arrears of rent pending as on date, after fixation of rent by the 3rd and 4th respondents as expeditiously as possible, preferably within a period of two months from the date of receipt of copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

6.The Writ Petition is disposed of accordingly. Consequently connected Miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssd
To

1.Assistant Commissioner, (CT)
Commercial Tax Officers,
Pattravakkam Assessment Circle,
No.127, 2nd Floor, Yadhaval Street,
Padi, Chennai - 600 050.

2. Assistant Commissioner (CT)
Commercial Tax Officers,
Ambattur Assessment Circle,
No.127, 1st Floor, Yadhaval Street,
Padi, Chennai - 600 050

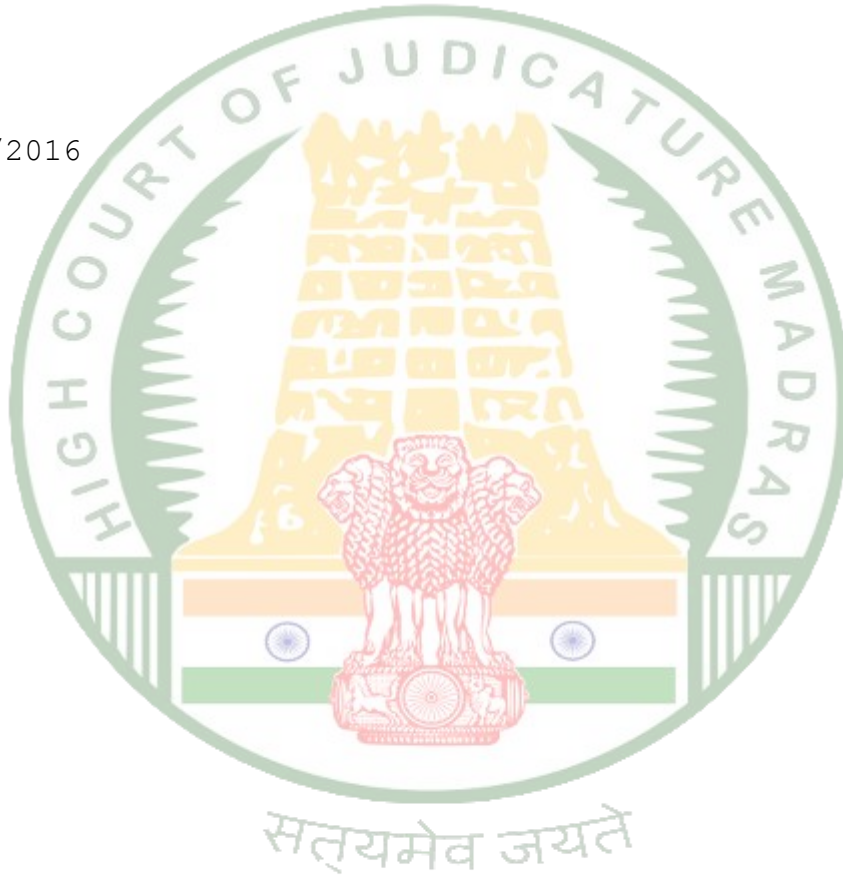
3. The Executive Engineer,
Public Works Department,
Building and Maintenance Wing,
Collectorate Office, Thiruvallur.

4. The Executive Engineer,
Public Works Department,
Building and Maintenances Wing,
Kamarajar Salai, Chennai - 600 005

+1cc to Special Government Pleader sr.68774
+1cc to Mr.A.Murali, Advocate Sr.69119
+1cc to the Government Pleader Sr.69180

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