

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7257 of 2016
and
W.M.P.No.6462 of 2016

Dr.B.K.Mohideen

.. Petitioner

Versus

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

2.The Assistant Revenue Officer,
Zonal Office IX,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

3.K.A.M.Wasip

4.Nasreen Mohideen

5.Lubna Syed
(R3 to 5 all are residing
at No.116, Mount Road
Saidapet Chennai-15)

.. Respondents

(Respondents 3 to 5 impleaded as per order
dated 17.03.2016 by this Court in
WMP.No.7501 of 2016 in
WP.No.7257 of 2016)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified Mandamus, to call for the records of the second respondent relating to the notice dated 07.01.2016 in Z.O.IX.R.D.C.No. Assr-115/Spl./2016 quash the same and direct the respondents to include the name of the petitioner in the property tax Register in respect of premises bearing Old Door No.24, New Door No.12, Kareem Subedhar Street, Royapettah, Chennai-600 014.

For Petitioner : Mr.V.Parthiban

For Respondents : Mr.P.V.Selvakumar

O R D E R

Heard Mr.V.Parthiban, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned counsel appearing for the respondents, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal. In the light of the order, this Court proposes to pass notice to the respondents 3 to 5 is dispensed with and this order will not prejudice their rights, merely on the ground that this order is being passed without hearing them.

2. The petitioner has filed this writ petition, to quash the proceedings issued by the second respondent, who is the Assistant Revenue Officer, Zone-IX, Corporation of Chennai, and to direct the respondents to include the name of the petitioner in the property tax register in respect of the property comprised in New No.12 (Old No.24), Karim Subhedar Street, Royapettah, Chennai - 600 014. The petitioner claims that she is the wife of (Late) K.K.Mohideen in whose name the property was assessed tax and after his demise the petitioner seeks to change the property tax assessment in her name. There appears to have been civil litigation between the parties and S.A.No.1392 of 2004 is pending. The petitioner would accept that the property was a Wakf property but claims that subsequently a sale deed was executed in favour of the petitioner's husband. The petitioner's name has been given as Dr.B.K.Mohideen and she is the wife of (Late) K.K.Mohideen. This Court raised a doubt as to whether the name of the petitioner is correct for which the learned counsel appearing for the petitioner referred to the extract of marriage issued by the Chief Kazi, Government of Tamilnadu dated 21.04.2000, in which the name of bridegroom is mentioned as Khaja Kutub Mohiadeen and the name of Bride is mentioned as Khusroo Jahan @ Dr.Badar Begum. Thus, there appears to be slight confusion in the matter, which cannot be gone into at this stage. The petitioner states that without conducting any enquiry, the second respondent has passed the impugned order and communicated the same to K.K.Mohideen, who is no more.

3. In the light of the above facts, without setting aside the impugned proceedings, since it is said to be issued in the name of a dead person, the matter is remanded to the second

respondent who shall issue notice to the petitioner, respondents 3 to 5 as well as the Wakf Board or the Wakf Inspector of the concerned area, hear the parties and take a reasoned decision on merits, within a period of three months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
- 2.The Assistant Revenue Officer,
Zonal Office IX,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,
Chennai - 600 034.

+2cc to Mr.Parthiban, Advocate, S.R.No.17065

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.17556

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W.P.No.7257 of 2016
and

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sai (CO)
srg (04/04/2016)

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