

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.5231 of 2017 &  
W.M.P.No.5555 of 2017

BASHEER AHAMED FAROOK  
S/o. Haji S.M. Farook,  
No.10 (18), Narasinghapuram Street,  
Pudupet, Chennai-600 002.

Rep. by his Power Agent,  
J.Mohamed Ameen,  
S/o.A.K.M.Junaid,  
No.72, Angappa Naicken Street,  
Mannady, Chennai-600 001. .... Petitioner

Vs

1.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai-3.

2.The Assistant Revenue Officer,  
Corporation of Chennai,  
Zone-05, Division-63,  
No.62, Basin Bridge Road,  
Chennai-600 079.

3.The Chairman-cum-Managing Director,  
Chennai Metropolitan Water Supply & Sewerage Board,  
No.1, Pumping Station Road, Chennai-600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to forbear the respondents from taking any coercive steps to collect the revised tax pursuant to the Provisional Notice under Notice No.7, in the proceedings of the Corporation of Chennai, dated 12.09.2015 made in Notice 7/15-16/5395 (Order No.M/05/063/15-16-0426, dated 09.09.2015) issued by the first respondent in respect of property at No.10 (18), Narasinghapuram Street, Pudupet, Chennai-600 002 before passing final orders on the appeal, dated 09.02.2016 submitted by the petitioner.

For petitioner : Mr.A.S.Kaizer  
For respondents : Mr.T.C.Gopalakrishnan  
Standing Counsel  
Mr.M.Jothi Kumar

O R D E R

Heard Mr.A.S.Kaizer, learned counsel for the petitioner and Mr.T.C.Gopalakrishnan, learned Standing Counsel who took notice for the respondents and with their consent, the writ petition is taken up for disposal.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus to forbear the respondents from taking any coercive steps to collect the revised tax pursuant to the Provisional Notice under Notice No.7, in the proceedings of the Corporation of Chennai, dated 12.09.2015 made in Notice 7/15-16/5395 (Order No.M/05/063/15-16-0426, dated 09.09.2015) issued by the first respondent in respect of property at No.10 (18), Narasinghapuram Street, Pudupet, Chennai-600 002 before passing final orders on the appeal, dated 09.02.2016 submitted by the petitioner.

3. The case of the petitioner is that he is the owner of the property bearing door N.10 (18), Narasinghapuram Street, Pudupet, Chennai, by virtue of a settlement deed, dated 08.07.2005. The property was assessed by the respondent-Corporation and he was paying tax regularly. The petitioner would claim that till the first half year 2015-16, the petitioner had paid the entire tax, but to the shock and surprise, a provisional notice, dated 12.09.2015 was served on the petitioner, increasing the tax from Rs.70,180/- to Rs.96,925/- with effect from first half year 1999-2000. Aggrieved by the order, the petitioner preferred an appeal, dated 09.02.2016 and when the appeal is pending, the respondents are proceeding to recover the amount.

4. Mr.T.C.Gopalakrishnan, learned Standing Counsel appearing for the respondents would submit that in page No.24 of the typed-set of papers, the respondents have already indicated that the pending appeal, they wont take steps to recover the amount. It is submitted by the learned Standing Counsel appearing for the respondents that only after disposal of the appeal of the petitioner, they will proceed with recovery of the dues. The said submission of the learned Standing Counsel is recorded.

5. Recording the above said submission of the learned Standing Counsel that they will proceed with recovery of the dues, after disposal of the appeal of the petitioner, the Writ

Petition is disposed of. It is open to the respondents to pass appropriate orders, after disposal of the appeal filed by the petitioner, after affording an opportunity of personal hearing to the petitioner.

6. With the above directions, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

r n s

To

- 1.The Commissioner,  
Corporation of Chennai,  
Rippon Buildings,  
Chennai-3.
- 2.The Assistant Revenue Officer,  
Corporation of Chennai,  
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No.62, Basin Bridge Road,  
Chennai-600 079.
- 3.The Chairman-cum-Managing Director,  
Chennai Metropolitan Water Supply & Sewerage Board,  
No.1, Pumping Station Road, Chennai-600 002.

+1cc to Mr.A.S.Kaizer,Advocate sr.14079

+1cc to Mr.T.C.Gopalakrishnan,Advocate sr.13874

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kjI(co)  
ss(15/3/2017)

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