IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.8481 of 2017

1. Sunita Gupta
2. Mohit Gupta
3. Akash Gupta ... Petitioners

Vs.

1. Chennai Metro Water Supply
and Sewerage Board,
No.41, Mundakannaiamman Street,
Mylapore,
Chennai - 600 004.

2. The Commissioner,
Revenue Department,
Greater Chennai Corporation,
Chennai - 600 028. ... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to carry out/effect corrections in their record in terms of the orders dated 02.01.2017 and 16.02.2017 passed by this court in W.P.Nos.44708 of 2016 & 3791 of 2017 respectively thus assess the Water and Sewerage tax for the premises at Old No.2, New No.3, R.K.Mutt Road, Luz Corner, Mylapore, Chennai - 600 004.

For Petitioner: Ms.Vaishali.R.

For Respondents: Mr.M.Jothikumar
Standing counsel for R1.
Mr.T.C.Gopalakrishnan
Standing Counsel for R2

O R D E R

The petitioner in this writ petition seeks the following relief:

To issue a Writ of Mandamus to direct the respondents to carry out/effect corrections in their record in terms of the orders dated 02.01.2017 and 16.02.2017 passed by this Court in

W.P.Nos.44708 of 2016 & 3791 of 2017 respectively, thus assess the Water and Sewerage tax for the premises at Old No.2, New No.3, R.K.Mutt Road, Luz Corner, Mylapore, Chennai - 600 004.

2. Heard the learned counsel for the petitioners and the learned Standing counsels appearing for the respondents.

3. Though the prayer in this writ petition is coined in such a way, the crux of the grievance of the petitioner is that the imposition of water tax by the 1st respondent on the petitioners property is not in accordance with the assessment of property tax made by the 2nd respondent.

4. Today, when the matter is taken up for further hearing, the learned counsel for the petitioner submitted that the 2nd respondent has revised the property tax and passed the revised assessment order on 29.05.2017 and therefore, the 1st respondent has to pass a fresh order in respect of the water tax, based on the revised order of assessment, passed by the 2nd respondent.

5. Learned counsel for the 2nd respondent is not disputing the fact that the revised assessment order has been issued by the 2nd respondent on 29.05.2017. Likewise, the learned counsel for the 1st respondent also submitted that the water tax payable by the petitioner will be reassessed, based on the fresh assessment order passed on the property of the petitioner by the Corporation on 29.05.2017.

6. Considering the above stated facts and circumstances and considering the fact that the 2nd respondent has passed the revised order of assessment towards the property tax, the 1st respondent shall look into the same and redo the assessment and pass fresh order imposing the water tax payable by the petitioner accordingly. Such exercise shall be done by the 1st respondent within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsi

To

1. Chennai Metro Water Supply
   and Sewerage Board,
   No.41, Mundakanniamman Street,
   Mylapore,
   Chennai - 600 004.

2. The Commissioner,
   Revenue Department,
   Greater Chennai Corporation,
   Chennai - 600 028.

+1cc to Mr.t.C.Gopalakrishnan,Advocate sr.44285

+1cc to S.R.Rajagopal,Advocate sr.44939

W.P.No.8481 of 2017

sj(co)
ss(4/7/2017)