

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.08.2017
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.21913 of 2017

E.Lillymary

.. Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.

2.The Assistant Revenue Officer,
Corporation of Chennai,
Zone No.13, L.B.Road,
Chennai-600 020.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issuance of a Writ of Mandamus directing the second respondent to issue separate property tax assessment in respect of the petitioner's portion of the property at Door No.34, Thiruveedhi Amman Koil Street, Thiruvanniyur, Chennai-600 041 in the petitioner's name.

For Petitioner : Mr.S.Jaganathan

For Respondents : Mr.T.C.Gopalakrishnan

ORDER

Heard Mr.S.Jaganathan, learned counsel for the petitioner and Mr.T.C.Gopalakrishnan, learned counsel appearing for the respondents.

2.With the consent of the learned counsel on either side, the writ petition itself is taken up for final disposal.

3.The petitioner is before this Court seeking for issuance of a Writ of Mandamus to direct the second respondent to issue separate property tax assessment in respect of the portion of the property at Door No.34, Thiruveedhi Amman Koil Street, Thiruvanniyur, Chennai-600 041.

4.In the affidavit filed in support of this writ petition, the petitioner would state that her father G.James settled the said property in her favour vide Deed of Settlement dated 03.03.2011, registered as Document No.1616 of 2011 on the file of the Sub-Registrar, Chennai South. Based on the said settlement deed, the petitioner made a written request to the second respondent on 26.12.2012 to assess the property in her name. There was no action on the said request. Thereafter the petitioner has sent a representation dated 02.04.2017. Since no action has been taken on the same, the petitioner is before this Court.

5.In paragraph-3 of the affidavit, the petitioner would state that her elder brother J.Aruldoss has lodged an objection before the second respondent and that is the reason for the petitioner's representation not being considered.

6.In this writ petition, the petitioner has not impleaded her elder brother J.Aruldoss as a respondent. Therefore, no positive direction can be issued as sought for by the petitioner, however, taking note of the fact that a written request is pending with the second respondent and a representation has also been made on 02.04.2017, there will be a direction to the second respondent to consider the said representation, issue notice to her elder brother J.Aruldoss, conduct enquiry and then pass appropriate orders on merits and in accordance with law. It is made clear that this Court has not gone into the petitioner's entitlement and it is for the second respondent to conduct enquiry and then pass appropriate orders on merits. The above direction has to be complied with within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KM

To

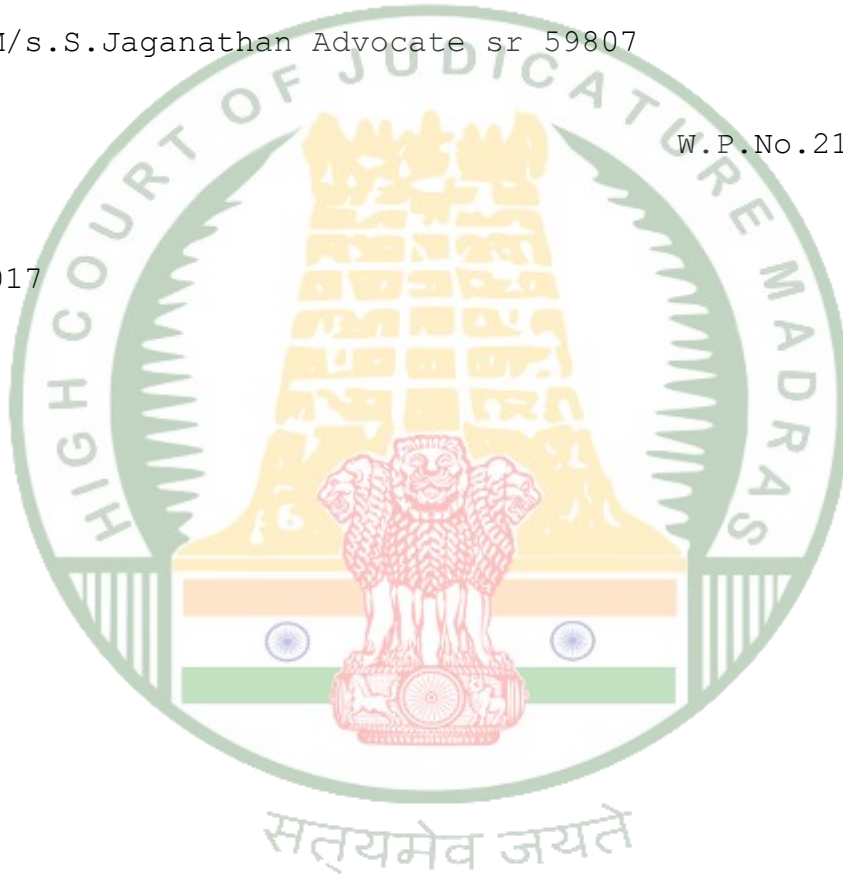
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+1 cc to M/s.S.Jaganathan Advocate sr 59807

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