

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.24265 of 2017 &
W.M.P.Nos.25650 & 25651 of 2017

K.Selvi

...Petitioner

v.

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

2 The Executive Engineer
Corporation of Chennai
Zone-XI, Valasaravakkam
Chennai-600 087

3 The Zonal Officer
Corporation of Chennai Zone-XI
Valasaravakkam
Chennai-600 087

4 The Assistant Engineer
Corporation of Chennai
Zone-XI, Ward 144
Maduravoyal, Chennai-95

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of Certiorari and Mandamus, call for

the records relevant to the order in Ma.A.11. V.Thu. Na.Ka. No.R1/0187/ 2017, dated 10.08.2017, passed by the 3rd respondent and quash the same, as illegal, improper, unreasonable and against the principles of natural justice and thereby, direct respondents to assess the property tax and collect the same periodically from the petitioner for her property situated in Survey No.128/1, Varalakshmi Nagar, Maduravoyal Village, Chennai- 600 095, Ambattur Taluk, Tiruvallur District, to an extent of 4,441 sq.ft. of house.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.T.C.Gopala Krishnan
Standing Counsel

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records in respect of the order dated 10.08.2017, passed by the 3rd respondent, to quash the same and consequently direct the respondents to assess the property tax and collect the same periodically from the petitioner for her property situated in Survey No.128/1, Varalakshmi Nagar, Maduravoyal Village, Chennai- 600 095, Ambattur Taluk, Tiruvallur District, to an extent of 4,441 sq.ft. of house.

2. Mr.T.C.Gopala Krishnan, learned Standing Counsel, taking notice for the respondents brought to the notice of this court that the property referred to by the petitioner belongs to Chennai Corporation and one of the encroacher had settled the property in favour of the petitioner, who has no right. Hence, the impugned order has been passed by the 3rd respondent cancelling the order of assessment made in respect of the said property.

3. The petitioner has also filed a suit in O.S.No.205 of 2014 on the file of Principal District Munsif Court, Poonamallee for declaration and permanent injunction as against he respondents herein.

4. The Trial Court, dismissed the suit by its judgment and decree dated 26.03.2015. As against the judgment and decree passed by the Trial Court, the petitioner preferred an appeal in A.S.No.40 of 2015 on the file of Sub Court, Poonamallee. According to the petitioner, the Appeal is still pending.

5. Since the Trial Court has held that the petitioner is not entitled for the relief sought for in the suit, the 3rd respondent has rightly passed the impugned order.

6. In these circumstance, I do not find any error or irregularity in the order passed by the 3rd respondent. Accordingly, the writ petition stands dismissed. In the event of the petitioner succeeding in the First Appeal, he may approach the respondent for assessing the property. No costs. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No

18.09.2017

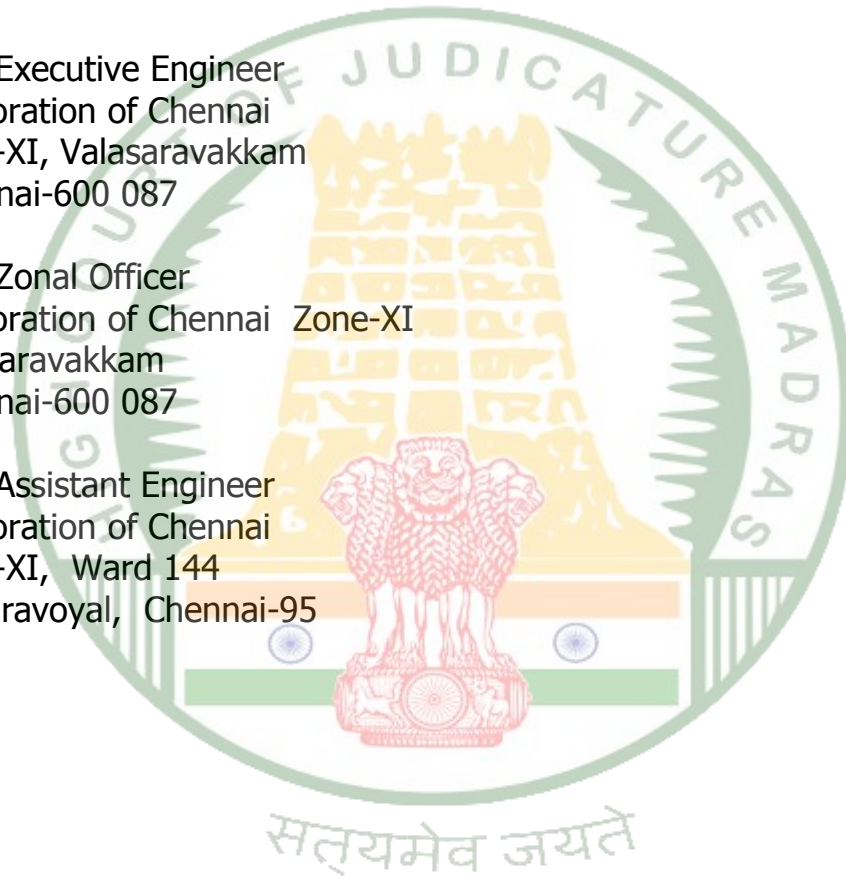
Rj

सत्यमेव जयते

WEB COPY

To

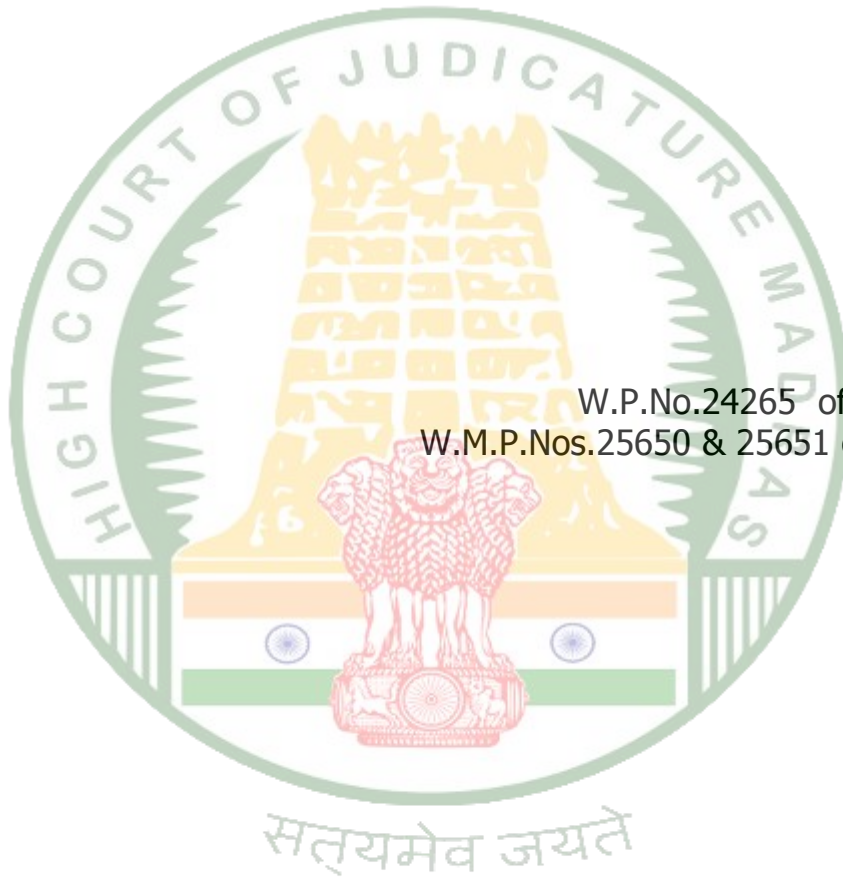
- 1 The Commissioner
Corporation of Chennai
Ripon Building
Chennai-600 003
- 2 The Executive Engineer
Corporation of Chennai
Zone-XI, Valasaravakkam
Chennai-600 087
- 3 The Zonal Officer
Corporation of Chennai Zone-XI
Valasaravakkam
Chennai-600 087
- 4 The Assistant Engineer
Corporation of Chennai
Zone-XI, Ward 144
Maduravoyal, Chennai-95



WEB COPY

M.DURAI SWAMY, J.

Rj



W.P.No.24265 of 2017 &
W.M.P.Nos.25650 & 25651 of 2017

WEB COPY

18.09.2017