

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.27772 of 2017 & W.M.P.No.29759 of 2017

The Young Men's Indian Association
rep.by its Secretary Mr.N.Madhan
Chander

...Petitioner

Vs.

The Assistant Revenue Officer,
Zonal Officer-IX, Greater Chennai
Corporation, No.1 Lake Area, 4th Cross
Street, Nungambakkam, Chennai-34.

...Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for records on the file of the respondent in proceedings in Z.O.IX/R.D.C.No.Spl./2017-2018 dated 19.05.2017 and quash the same as illegal.

For Petitioner

:

Mr.Vaibhav R. Venkatesh

For Respondent

:

Mrs.Karthikka Ashok

O R D E R

Heard Mr.Vaibhav R.Venkatesh learned counsel for the petitioner and Mrs.Karthikka Ashok, learned Standing Counsel appearing for the respondent. By consent on either side, the writ petition itself is taken up for disposal.

2. The petitioner is an organization called as the Young Men's Indian Association, registered as a society under provisions of the Tamil Nadu Societies Registration Act. The petitioner is aggrieved by three demands issued by the respondent on 19.05.2017 calling upon the petitioner to pay the arrears of property tax of of sum of Rs.94,720/-, Rs.1,09,820/- and Rs.83,340/- being the amounts payable for the period I/2017-18. The petitioner's case is that the buildings, for which, the demands were issued, are in a dilapidated condition and that they applied for demolition of the buildings vide application dated 14.7.2014. The officials of the respondent inspected the buildings and found that the buildings are unfit for occupation and accordingly granted permission for demolition vide proceedings dated 15.09.2014.

3. Though such permission was obtained by the society, the same could not be implemented till date on account of a civil litigation initiated by a few members of the society. It may not be necessary for this Court to refer to those proceedings, as the undisputed fact is that the buildings cannot be demolished on account of the pendency of the civil litigation. In such factual situation, when the respondent issued the impugned demands, the petitioner submitted their representation pointing out that the buildings have to be pulled down and that they may not be called upon to pay the property tax, as they already cleared the entire arrears upto 23.06.2015.

4. In the light of the above factual situation, while entertaining the writ petition, this Court passed an order on 31.10.2017 by directing the respondent to inspect the premises in question and report before this Court as to the condition of the buildings.

5. Mrs.Karthikka Ashok, learned Standing Counsel for the respondent submits that the respondent and a team of officials inspected the buildings and found it difficult to go near the building, as they are in a highly dilapidated condition covered by bushes and over growth and that the buildings are not capable of being occupied.

6. The above submission made by the learned Standing Counsel for the respondent, which is in pursuance of an inspection conducted by the respondent, is sufficient to hold that the impugned demands cannot be given effect to against the five buildings, for which, already permission has been granted for demolition.

7. For all the above reasons, the writ petition is allowed and the impugned demands are quashed.

Sd/-

सत्यमेव जयते Deputy Registrar (CS-)

//True Copy//

WEB COPY

Sub Assistant Registrar

smn

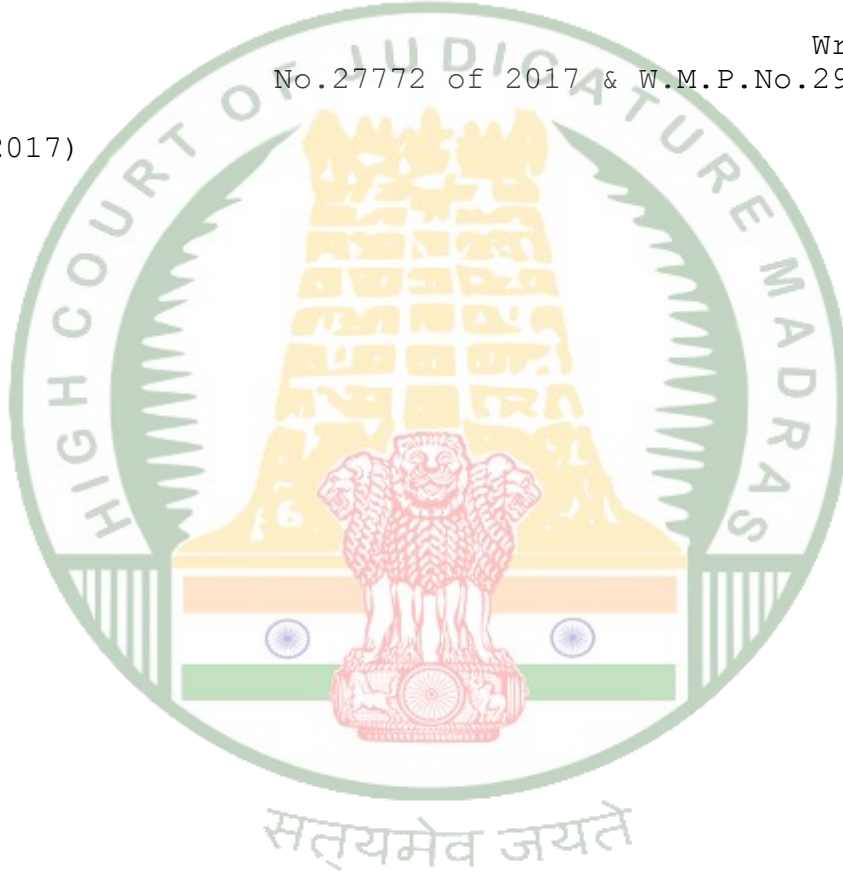
To.

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

+2 cc to MR.NITHYAESH AND VAIBHAV Advocate, S.R.No. 84047
+1 cc to MR.KARTHIKAA ASHOK Advocate, S.R.No. 84125

Writ Petition
No.27772 of 2017 & W.M.P.No.29759 of 2017

TR(13/12/2017)



WEB COPY