

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.11.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.28537 of 2017

M.Mythili

...Petitioner

Vs

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

2.The Chief Engineer, Zone-4,
Thondairpet, Chennai-81.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to issue the property tax assessment in the name of the petitioner for her property at plot No.986 Part, door No.137/A, Ko.Si.Mani Street, Periyar Nagar, Vyasarpadi, Chennai-39.

For Petitioner : Ms.Sujatha Rangarajan

For Respondents : Mrs.Karthika Ashok

ORDER

Mrs.Karthika Ashok, learned Standing Counsel accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner purchased a property, which being a part of plot No.986, door No.137/A, Ko.Si.Mani Street, Periyar Nagar, Vyasarpadi, Chennai-39 along with her husband Mr.Marimuthu by a sale deed dated 07.11.2016 registered as doc.No.5294 of 2016 on the file of the Sub-Registrar, Purasaiwalkam. Subsequently, the vendors of the said property executed a deed of rectification dated 29.12.2016 registered as doc.No.5877 of 2016.

3. After purchasing the said property, the petitioner approached the respondent Corporation for assessing the said property to tax on the ground that she and her husband are the absolute owners of the said property. Along with the rectification deed dated 29.12.2016, a sketch has been appended, which shows that the property purchased by the petitioner and her husband forms part of a larger extent and it has been divided and that the remaining portion of the property is said to be standing in the name of one Mr.V. Dayalan and Mr.V.Mani.

4. The said Mr.V.Dayalan is no more and his legal heirs are stated to have executed a sale deed in favour of the petitioner and her husband. It is not clear as to whether the said Mr.V.Mani has any right over the property in question and as could be seen from the documents placed before this Court, he has not joined in the sale transaction along with the legal heirs of late Mr.V.Dayalan. The legal heirship certificate of late Mr.V.Dayalan has also not been produced.

5. In any event, the petitioner made a representation dated 05.9.2017 to the respondents for assessing the property to tax and this representation is pending. Considering the factual position, this Court cannot issue any positive direction by directing the respondent Corporation to assess the property to tax in the names of the petitioner and her husband. The only direction that can be given is to direct the Competent Authority to consider the petitioner's representation dated 05.9.2017.

6. Accordingly, the writ petition is disposed of with a direction to the Competent Authority of the respondent Corporation to issue notice to both the petitioner and her husband, direct them to appear in person and produce all the documents including legal heirship certificate of the late Mr.V.Dayalan and the original sale deed executed by the Slum Clearance Board in favour of the late Mr.V.Dayalan, verify all the documents and then pass a reasoned order on merits and in accordance with law as expeditiously as possible, preferably within a period of 60 days from the date, on which, the documents are produced by the petitioner as called for and the personal hearing is concluded. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

RS

To

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

2.The Chief Engineer, Zone-4, Thondairpet, Chennai-81.

+1cc to M/s.Karthikaa Ashok, Advocate SR.No.79034/12

+1cc to M/s.Sujatha Rangarajan, Advocate Sr.No.79084/17

WP.No.28537 of 2017

SV(CO)

sm:28.11.2017