

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.38112 of 2002

M/s. Swetha Engineering Ltd.,
rep. By its Director
Mr.S.Niranjankumar

...Petitioner

-Vs-

The Commissioner
Ambattur Municipality,
Ambattur, Chennai 600 053.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent from collecting the enhanced property tax pursuant to the distraint notice dated 29.9.2002 in Assessment No.27383 for the property bearing No.121-131, Tass Industrial Estate, Ambattur from the petitioner.

For Petitioner : Mr.T.Pramodkumar Chopra

For Respondent : Mr.A.Zakir Hussain,
Government Advocate

O R D E R

The prayer sought for in this writ petition is for a writ of Mandamus forbearing the respondent from collecting the enhanced property tax pursuant to the distraint notice dated 29.9.2002 in Assessment No.27383 for the property bearing No.121-131, Tass Industrial Estate, Ambattur, from the petitioner.

2. Heard Mr.T.Pramodkumar Chopra, learned counsel appearing for the petitioner and Mr.A.Zakir Hussain, learned Government Advocate, who has been directed to take notice for the Municipality.

3. Though such a prayer has been made by the petitioner, Mr.T.Pramodkumar Chopra, learned counsel for the petitioner would submit that, pursuant to the order of property tax assessment dated 15.03.2012 of the respondent Municipality, the petitioner has filed an appeal before the Taxation Appeal

Committee of the said Municipality in the 2002 itself, and the said appeal is pending disposal before the said committee.

4. Learned counsel for the petitioner would further submit that if the said appeal is disposed of one way or the other, on merits and in accordance with law, the petitioner would be satisfied.

5. Mr. A. Zahir Hussain, learned Government Advocate appearing for the respondent would submit that subsequently, the respondent Municipality has got merged with the Chennai Corporation and all the records of Municipality were transferred to the Chennai Corporation. If the appeal of the petitioner dated 24.04.2002 as claimed by the petitioner is still pending, the same can be disposed of on merits and in accordance with law.

6. I have considered the submissions made by the learned counsel for both sides.

7. Without going into the merits of the claim made by the petitioner, this court feels that, it is suffice to give the following direction for disposal of this writ petition.

(i) That the respondent Municipality [now 'Chennai Corporation'] shall take up the appeal filed by the petitioner on 24.04.2003, as against the order of property assessment dated 15.03.2002 of the respondent Municipality in the proceedings in Assessment No.27383 for the property bearing No.121-131, Tass Industrial Estate, Ambattur and the same, if so far not been disposed of, shall be disposed on merits and in accordance with law, after giving reasonable opportunity of being heard to the petitioner, within the time frame of two months, from the date of receipt of copy of this order. The copy of this order shall also be communicated to the Commissioner, Chennai Corporation for necessary action, since the petitioner Municipality [Ambattur Municipality] has got merged with the Chennai Corporation. With these directions, this writ petition is disposed of. No costs.

Sd/-

Deputy Registrar (AS)

//True Copy//

Sub Assistant Registrar

smi

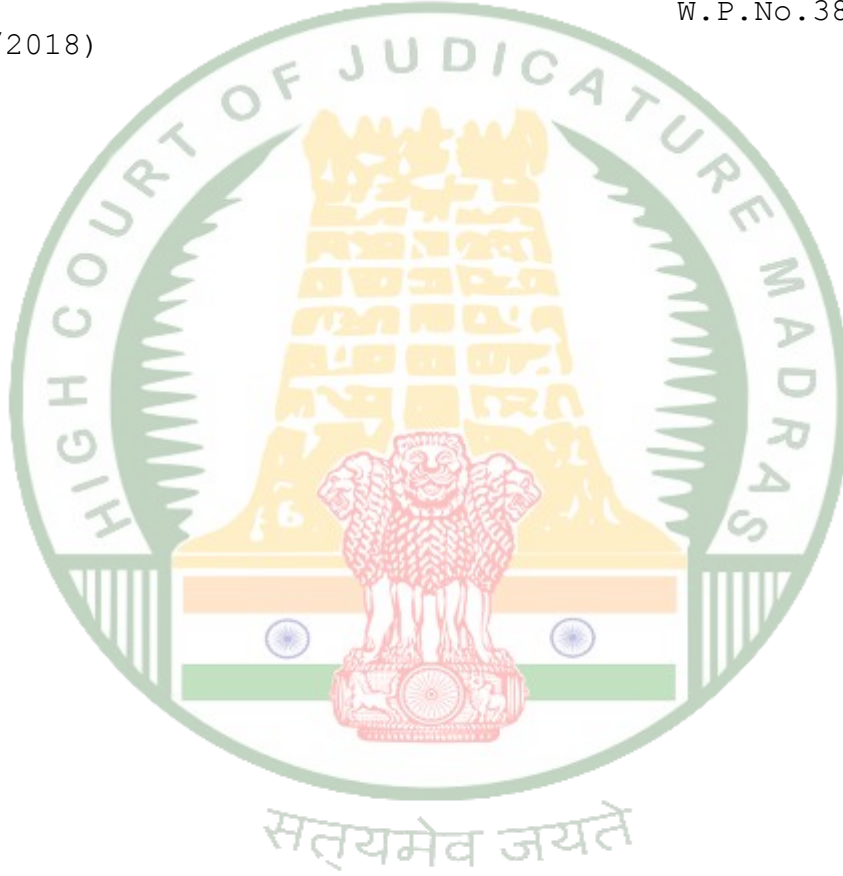
To

1. The Commissioner
Ambattur Municipality,
Ambattur, Chennai 600 053.
2. The Commissioner,
Chennai Corporation,
Chennai.

+lcc to Mr.T.Pramodkumar, Advocate, S.R.No.86047

W.P.No.38112 of 2002

RRK(17/01/2018)



WEB COPY