IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 4675 of 2014
and
M.P.No.1 of 2014

N.Gopalakrishnan ..Petitioner

vs.

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

2.The Revenue Officer,
Corporation of Chennai,
Chennai - 600 003.

3.The Assistant Revenue Officer,
Zone - VI, Corporation of Chennai,
No.2, Besant Salai,
Chennai - 600 005.

4.N.Lakshmi
(R4 is impleaded as per order dated
07.10.2015 in M.P.No.1 of 2015)
in (WP.4675/14) ..Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified mandamus, calling for the records dated 30.08.2012 in Proceedings Ma.Aa.No.9, Va.Thu.Na.Ka.No.R2/772/2012 on the file of the second respondent quash the same direct the respondents to sub divided property situated in New Door No.65, Old Door No.32. Bangaru Naicken Street, Anna Salai, Chennai - 600 002, grant sub division plan mutate the tax and other connected the revenue records in the name of the petitioner.

For Petitioner : Mr. M.Rajasekhar
For Respondents: Mr.T.C.Gopalakrishnan
For R1 to R3
: Mr.M.Senthilkumar for R4.

O R D E R

The claim of the writ petitioner to assess the property tax in his name in respect of the premises situated in new door No.65, old door No.32, Bangaru Naicken Street, Anna

Salai, Chennai - 600 002 is under challenge in this writ petition.

2. The learned counsel for the writ petitioner states that the property described in the present writ petition was settled by the 4th respondent in favour of the writ petitioner by way of release deed and accordingly the writ petitioner became the absolute owner of the property. On execution of release deed by the mother of writ petitioner the title of the property has transfered in the name of the writ petitioner. Further the petitioner is in possession and enjoyment of the property.

3. However, the application submitted by the writ petitioner to assess the property tax in respect of the building in his name is rejected. This Court is of the opinion that, the writ petitioner is in possession and enjoyment of the property in question. The mother of the writ petitioner executed a release deed in favour of the writ petitioner and accordingly the title transferred in the name of the writ petitioner. Thus if at all, any contrary document or otherwise is executed by any other person, it is left open to parties to adjudicate the matter before the competent Court of Law.

4. Further in respect of the property tax, there is no impediment to effect assessment in the name of the writ petitioner and if any changes happens on account of any further civil proceedings, the Corporation of Chennai is at liberty to review the situation and pass appropriate orders on merits and in accordance with law.

5. In view of this matter, the respondents 1 and 2 are directed to inspect the property belongs to the writ petitioner and assess the property tax and issue an appropriate order and serve the same to the writ petitioner enabling him to pay the property tax continuously in accordance with law. Such an exercise shall be done within the period of 8 weeks from the date of receipt of a copy of this order. Further it is informed that, the writ petitioner has already cleared the arrears of the property tax.

6. Accordingly the writ petition stands disposed of. No Costs. Consequently connected miscellaneous petition is closed.

pkn

Sd/-
Assistant Registrar(CS IV)

// True Copy//

Sub Assistant Registrar

To

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

2.The Revenue Officer,
Corporation of Chennai,
Chennai - 600 003.

3.The Assistant Revenue Officer,
Zone - VI, Corporation of Chennai,
No.2, Besant Salai,
Chennai - 600 005.

+ 1 CC TO T.C.GOPALAKRISHNAN, ADVOCATE SR 62828

+ 1 CC TO MR.M.RAJA SEKHAR, ADVOCATE SR 63060

KR/8/101/18

W.P.No. 4675 of 2014
and
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