IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8599 of 2018
and
W.M.P.No.10530 of 2018

Tmt.Shanthi @ Shanthalakshmi ... Petitioner

Vs.

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

2. The Asst. Revenue Officer,
   Revenue Department,
   Zonal Office IX,
   Corporation of Chennai,
   No.1, Lake Area, 4th Cross Street,
   Nungambakkam,
   Chennai - 600 034.

3. S.Khader Mohideen ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned demand-cum-final warrant notice vide Ref.Ma.a.9/Va.Thu.Na.Ka.No.R1/DN-123/2018 dated 01.03.2018 on the file of the 2nd respondent and quash the same as illegal and consequently directing the 2nd respondent to restore the property tax assessment entry in the name of the original assessee T.N.Kanniappan, forthwith in respect of the petitioner's house property bearing Door No.22/98, Thiruvalluvar Salai, Teynampet, Chennai-600 018.

For Petitioner : Mr.D.Murthy

For Respondents : Mrs.Karthika Ashok, for R1 & R2
Standing Counsel for Chennai Corporation.

Mr.N.A.Nissar Ahmed, for R3

O R D E R

Heard Mr.D.Murthy, learned counsel for the petitioner, Mrs.Karthika Ashok, learned standing counsel for the respondents 1 and 2 and Mr.N.A.Nissar Ahmed, learned counsel appearing for the 3rd respondent.

2. The petitioner has filed this writ petition challenging the final warrant notice vide Ref.Ma.a.9/Va.Thu.Na.Ka.No.R1/DN-123/2018 dated 01.03.2018, issued by the respondent corporation in the name of the 3rd respondent. The petitioner would submit that the original assessee was Mr.T.N.Kanniappan and the title suits are pending in O.S.No.12848 of 2010 and O.S.No. 5244 of 2013 before the VI Additional City Civil Court, Chennai, and demand in the name of 3rd respondent, is illegal.

3. During the pendency of the writ petition, the 3rd respondent has cleared the entire arrears of Rs.14,072.91, which has been accepted by the respondent corporation. The question is whether this demand made by the 3rd respondent would in any manner affect the rights of the petitioner before the Civil Court.

4. The petitioner need not have any apprehension in this regard, because, regardless of the payment of the property tax, the title suits would be decided by the Civil Court, based on the oral and documentary evidence that will be placed before the trial Court. The 3rd respondent cannot take advantage of the payment made by him, during the civil proceedings.

5. With the above observations, the writ petition is disposed of. Needless to state that subject to the decree that may be passed in the Civil Court, the respondent corporation may act in accordance with law. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

ars/mkn

To

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

2. The Asst. Revenue Officer,
   Revenue Department,
   Zonal Office IX,
   Corporation of Chennai,
   No.1, Lake Area, 4th Cross Street,
   Nungambakkam,
   Chennai - 600 034.

+1cc to Mr.N.A.Nissar Ahmed, Advocate SR.No.51033
+1cc to Mr.A.Karthika Ashok, Advocate SR.No.50603

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and
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GN(06/08/2018)