

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.31737 of 2017

G.Gomathi Ammal

.. Petitioner

Vs.

The Executive Officer, (Contonment),
St. Thomas Mount and Pallavaram,
Office of the Contonment Board,
St. Thomas Mount,
Chennai-600 016.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider and pass orders on the merits and according to law for transfer of House Tax assessment from the name of the petitioner's husband name Gajendran who died in the year 1998 into the petitioner, G.Gomathiammal's name in respect of the property in D.No.5/15-A, Rangapillai street, Contonment, Pallavaram, Chennai.

For Petitioner : Mr.K.R.Krishnan
For Respondents : Mr.C.Mohan

For M/s.King & Patridge

O R D E R

Heard Mr.K.R.Krishnan, learned counsel appearing for the petitioner and Mr.C.Mohan, learned counsel, representing, M/s.King & Patridge, learned counsel appearing for the respondent and perused the record.

2. The prayer in the Writ Petition is for issuance of writ of mandamus directing the respondents to transfer the House Tax assessment from the name of her husband, viz., Gajendran into the name of the petitioner in respect of the property in D.No.5/15-A, Rangapillai street, Contonment, Pallavaram, Chennai.

3. The case of the petitioner is that the Pallavaram Contonment Board allotted lands in D.No.5/15A, Rangapillai Street, Contonment, Pallavaram, Chennai in favour of her

deceased husband D.Ganesan about 40 years ago and thereafter, he put up superstructure thereon. The house was also assessed to property tax. While so, the petitioner's husband passed away in the year 1998 leaving behind the petitioner and two sons as his legal-heirs. When the petitioner applied for transfer of property tax assessment in the year 2002, the brother-in-law of the petitioner one Chandrasekaran objected and hence the name was not transferred, but he died in the year 2015. The petitioner, in this regard, has sent fresh representation to the respondent on 26.12.2016, seeking transfer in the name of the petitioner and since no action was taken, the present Writ Petition is filed.

4. Mr.C.Mohan, learned counsel appearing for the respondent would fairly submit that the representation of the petitioner dated 26.12.2016 was received by the respondent in the month of January 2017 and if the petitioner produces relevant documents to show that she is the owner of the property, the application will be considered in accordance with law.

5. In the light of the above facts and submission of the learned counsel for the respondent, the Writ Petition is disposed of with a direction to the respondent to consider the representation of the petitioner dated 26.12.2016 and pass appropriate orders on merits and in accordance with law after providing opportunity to all necessary parties within a period of twelve weeks from the date of receipt of a copy of this order. There is no order as to costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

r n s

To

The Executive Officer, (Contonment),
St. Thomas Mount and Pallavaram,
Office of the Contonment Board,
St. Thomas Mount,
Chennai-600 016.

+ 1 cc to Mr.K.R.Krishnan Advocate,SR.
+ 1 cc to M/s.King & Patridge Advocate,SR.

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NR 08/01/2018