

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.14379 of 2018

K.Jayamahesh

..Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The Assistant Revenue officer,
Zone -8, Corporation of Chennai,
Chennai - 600 030.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 26.03.2018 for assessment of the petitioner's property being the land and building Old Door No.1/1, then Door No.13 part, now New Door No. 29 part, Vasu Street, Kilpauk, Chennai - 600 010, the land measuring an extent of 1652 sq.ft., as per patta Re-Survey No.154/231 along with ½ (half) undivided share right in the common passage of an extent of 3008 sq.ft., comprised in Survey No.154, Re-Survey No.154/31, as per patta Re-Survey No.154/56, Block No.13 of Egmore Village, Egmore Taluk, Chennai District for the purpose of payment of property tax and to issue an assessment order/demand notice to the petitioner in his name within a specified time frame.

For Petitioner :Mr.P.Nisha Priyadharsini

For Respondents :Mr.T.C.Gopala krishnan
Standing Counsel

ORDER

Heard M/s.P.Nisha Priyadharsini, learned Counsel for the petitioner and Mr.T.C.Gopala Krishnan, learned Standing Counsel appearing for the respondents. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing.

2. The prayer in the writ petition is for issuance of a writ of mandamus to direct the second respondent to act on the basis of the representation of the petitioner, dated 26.03.2018 and assess the property tax for the petitioner's building.

3. The case of the petitioner is that the property measuring an extent of 1652 sq.ft., in Survey No.154 and Re-Survey No.154/31, was purchased by his father Mr.C.Krishnamoorthi along with his brother Mr.C.Iyyamperumal from one P.S.Thirunavukkarasu and others, vide Sale deed, dated 27.02.1967. Thereafter, a patta was issued in their favour and they had been in possession and enjoyment of the same.

4. The petitioner would claim that the property was partitioned by a registered partition deed, dated 27.10.1980 and the petitioner became absolute owner of the property by virtue of settlement deed, dated 04.08.2017.

5. The grievances of the petitioner is that there was no assessment of property tax for the building and hence he gave a representation dated 26.03.2018. Since it was not considered, the present writ petition.

6. The learned Counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the second respondent to consider the representation of the petitioner.

7. The learned Standing Counsel for the respondents submitted that the representation of the petitioner would be considered in accordance with law.

8. In the light of the limited prayer sought for in this writ petition and submissions of the learned counsels on either side, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 26.03.2018 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

msrm

To

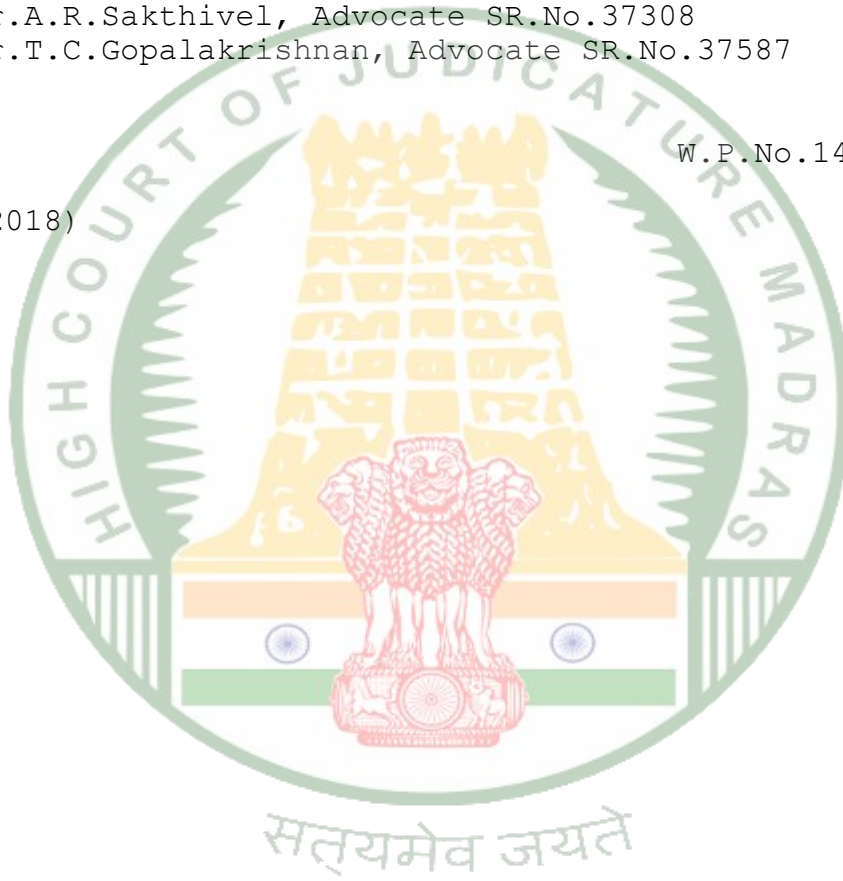
1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The Assistant Revenue officer,
Zone -8, Corporation of Chennai,
Chennai - 600 030.

+1cc to Mr.A.R.Sakthivel, Advocate SR.No.37308

+1cc to Mr.T.C.Gopalakrishnan, Advocate SR.No.37587

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SR(CO)
GN(26/06/2018)



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