

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. No.15480 of 2008 and
W.M.P.No.2 of 2008

Ramasamy Pandian

... Petitioner

Vs

1. Corporation of Chennai,
Rep.by its Commissioner,
Rippon Buildings,
Chennai.

2. The Asst. Revenue Officer,
Zone 9, Saidapet,
Corporation of Chennai.

...Respondents

Prayer:- This Writ Petition has been filed under Article 226 of the Constitution of India for a writ of certiorari calling for the records relating to the proceedings of the respondents dated 10.5.2007 comprised in Ref.No.C.134/00298 and the consequential order dated 19.12.2007 in Ref.No.C. 134/00298 and quash the same as arbitrary, illegal, without jurisdiction and ultravires under the provisions of the Chennai City Municipal Corporation Act, 1919.

For Petitioner : Mr.S.Santhan

For Respondent : Mr.V.C.Selvasekaran,
Standing Counsel

ORDER

Challenging the impugned notice issued by the respondents dated 10.5.2007 comprised in Ref.No.C.134/00298 and the consequential order dated 19.12.2007 in Ref.No.C. 134/00298, the petitioner is before this Court with this writ petition.

2.Earlier, the matter was referred to the Lok Adalat wherein, the following settlement has been arrived at between the parties on 27.04.2015:-

"1.Both the parties are present. The writ petitioner states that he is ready and willing to pay the tax as ordered by the High Court and if that be so, he is directed to pay tax up to 31.03.2015 on or before 29.05.2015 and report the matter before this forum on 02.06.2015.

2.The petitioner states that the writ petition is against the enhancement of tax and if that be so, he should have objected the same and if he has not done so till today, he is directed to give his objections before the Commissioner, Corporation of Chennai on or before 29.05.2015 and the same may be considered by the Commissioner.

If the writ petitioner is not satisfied with the order that will be passed by the Commissioner, he has to seek his remedy according to law.

Post the matter on 02.06.2015, for reporting compliance."

3.It is submitted by the learned counsel for the petitioner that pursuant to the said settlement, the petitioner has submitted his objections to the respondents. But so far, his objections has not been considered by the respondents. The learned counsel for the petitioner further submitted that the enquiry is going to be conducted by the second respondent on tomorrow (12.09.2018) and hence, a direction may be issued by this Court to the second respondent that during enquiry, the objections raised by the petitioner may be considered.

4.In such circumstances, the petitioner is directed to appear before the second respondent on 12.09.2018 for enquiry and raise his objections. After considering the objections raised by the petitioner, the second respondent is directed to pass orders on merits and in accordance with law.

5.With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jbm

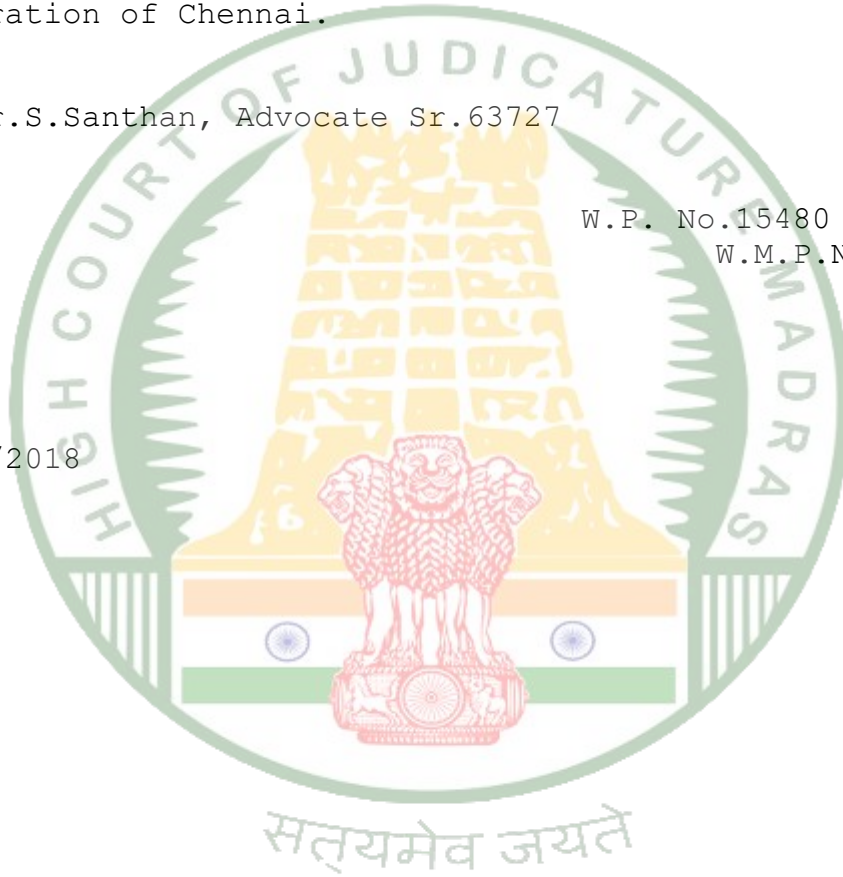
To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.
2. The Asst. Revenue Officer,
Zone 9, Saidapet,
Corporation of Chennai.

+1cc to Mr.S.Santhan, Advocate Sr.63727

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rsk[co]
srg 30/10/2018



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